LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)	Agenda Item 28 Brighton & Hove City Council

Subject:		***Reducing Alcohol Related Harm to Children and Young People – CYPOSC referral***		
Date of Meeting:		**4 March 2010**		
Report of:		***Director of Environment***		
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Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report details the findings of the Scrutiny Panel established to examine the issue of Reducing Alcohol Related Harm to Children and Young People. The report and its appendices can be found in **Appendix 3**.

1.2 **Appendix 1** of this report sets out the recommendations and findings of the review, along with a draft response for the Committee to consider.

1.3 The report makes 11 recommendations, 5 of which are directly the responsibility of Licensing and Trading Standards, (the remaining recommendations are to the Children and Young People's Trust and the Police).

1.4 The report has already been discussed at the CYPT Board and responses to the recommendations specifically relevant to the CYPT are also included in **Appendix 1** to help contextualise debate, relevant extracts from the minutes are also attached as **Appendix 2**.

2. RECOMMENDATIONS:

2.1 That the Committee notes the evidence, findings and recommendations of the Environment & Community Safety Overview & Scrutiny Committee and its scrutiny panel, in relation to Reducing Alcohol Related Harm to Children and Young People.

2.2 That the Committee agrees the response to recommendations 1, 2, 3, 4, 6 and 11 (those specific to Licensing and Trading Standards) as set out in **Appendix 1.**

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The review was instigated by the Children and Young People's Overview and Scrutiny Committee (CYPOSC) on the 28 September 2008. Scrutiny panels undertake short focused enquiries into specific areas of interest, making recommendations to decision makers.

3.2 The terms of reference for the panel were to:

"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."

3.3 The Panel held five evidence gathering meetings in public, talking to a number of witnesses including representatives of NHS trusts, the Police, alcohol retailers, Trading Standards and Licensing, local schools, local authority drugs and alcohol services and the Youth Council.

3.4 CYPOSC endorsed the report at the 17 June, 2009 Committee and it was subsequently tabled at the Children and Young People's Trust on the 7 September 2009.

4. CONSULTATION:

4.1 In preparing this response consultation has been carried out with CYPT and scrutiny colleagues and the police.

4.2 The scrutiny review itself undertook extensive consultation with interested parties.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 <u>Financial Implications:</u>

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime. Any changes to licensing policy

following this report would be met from existing .Environmental Health and Licensing or Trading Standards revenue budgets.

Finance Officer Consulted: K. Brookshaw *Date:18 January 2010*

5.2 Legal Implications:

Protection of children from harm is a licensing objective. Licensing authorities should maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under s.154 of the Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given. Relevant offences under the 2003 Act include: unaccompanied children prohibited from certain premises, sale of alcohol to children, persistently selling alcohol to children, sale of liqueur confectionary to children under 16, purchase of alcohol by or on behalf of children, consumption of alcohol by children, delivering alcohol to children, sending a child to obtain alcohol, prohibition of unsupervised sales by children.

Lawyer Consulted: R. Sidell *Date: 30 December.2009*

5.3 Equalities Implications:

Protection of children from harm is a licensing objective. The protection of children from harm includes the protection of children from moral, psychological and physical harm.

5.4 Sustainability Implications:

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.

5.5 Crime & Disorder Implications:

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include: where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal); limitations on the hours when children may be present; limitations on the presence of children under certain ages when particular specified activities are taking place; limitations on the parts of the premises to which children may have access; age limitations; limitations or exclusions when certain activities are taking place; requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.6 Risk and Opportunity Management Implications:

Failure to meet licensing statutory duties would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards

5.7 Corporate / Citywide Implications:

The statement of licensing policy is a statutory requirement which enables the council, as licensing authority, to administer and enforce licensing objectives – including the protection of children from harm in premises licensed for the sale of alcohol.The 2003 Act and Licensing Guidance intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons are recommended to focus on enforcing the law concerning the consumption of alcohol by minors.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft response to report recommendations.
2. Extract from the minutes of the CYPT Board meeting – 7th September.
3. The Scrutiny Panel report and its appendices.

Documents In Members' Rooms

1. None.

Background Documents

1. None.