Item 28: Appendix 1

GENERAL LICENSING RESPONSE RE CONSIDERING ISSUES RAISED BY RECOMMENDATIONS WITHIN STATEMENT OF LICENSING POLICY REVIEW DURING 2010.

RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.

Licensing response:

Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and RUOK are currently undertaking work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

CYPT response

Licensing and trading standard services are working closely with the CYPT to address issues of underage sales across all licensed premises and are continuing enforcement around underage sales and proxy purchasing.

RECOMMENDATION 2: City partners (co-ordinated by Trading Standards Officers) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.

Licensing response:

Trading standards have a programme of business support for local businesses to avoid under-age sales.

The Local Better Regulation Office cite Brighton & Hove City Council Trading Standards “improving compliance through business support” in its document: “Better Regulation: Supporting Businesses Towards Recovery” June 2009.

CYPT response

Trading Standards Officers have agreed to deliver training to licensed premises and to develop education leaflets and awareness tools with Health Promotions Advisors.

RECOMMENDATION 3: Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.

Licensing response:

In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis

RECOMMENDATION 4: Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.

Licensing response:

Licensing authorities may not standardise conditions promoting fixed prices. Where appropriate, voluntary industry codes of practice can be encouraged. Applications must be dealt with on individual merits. A clear causal link between price discounting and disorder may lead to the imposition of conditions prohibiting irresponsible promotions.

Policing and Crime Act 2009 will have key implications for Licensing Authorities. Originally it proposed a mandatory code and local discretionary conditions. Although the local element of the code has been removed from the legislation, the Home Office is still analysing the results from the formal consultation and has yet to publish a summary. The mandatory element of the code has been retained, and the Home Office may choose to move some of the proposed elements of the local discretionary conditions into the mandatory part. This may impact on discounting.

RECOMMENDATION 5: CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drug issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.

CYPT response

ru-ok?, Brighton & Hove's specialist substance misuse service for under-19s, is currently funded via the Local Area Agreement to address both drug and alcohol related issues, with the CDRP (Crime and Disorder Reduction Partnership) providing funding for a specialist Alcohol Worker post. However, all workers within the service will engage with young people who have alcohol related issues as a matter of course. During 2008-09, 38% of young people working with ru-ok? identified alcohol as their primary problematic substance and 34% identified alcohol as their secondary problematic substance.

As part of the local alcohol strategy, and in line with national policy, Brighton and Hove NHS has recently commissioned an Alcohol Brief Intervention service, which will offer early preventative advice, information and support to people aged 16 and

over. CRI, the adult substance misuse service provider, has this tender and is working closely with the ru-ok? service to establish how the work with under-18s will take place.

There has also recently been an increase in capacity in the Health Promotions team, with an additional worker employed to focus primarily upon alcohol. This has led to an increase in the level of Health Promotions work around alcohol that is targeted at young people.

Recommendation 2.2 of this response proposes a way forward to address this issue.

RECOMMENDATION 6: CIA (Cumulative Impact Area) boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).

Licensing response:

The cumulative impact area boundaries and supporting evidence is reviewed on an annual basis and was last reviewed by this committee on 24 April 2009. The statement of licensing policy is reviewed on a three year cycle next due in 2010. The CIA is recommended for review as part of the statement of licensing policy, informed by:

1. Sussex Police report of public place violent crime 09/10
2. Environmental health noise statistics for 09/10
3. This CYPOSC report: Reducing alcohol related harm to children and young people.
4. Health impact assessment of licensing report
5. Consolidation of licensing enforcement policy (following Home Office & DCMS advice on problem premises) and dealing with films not BBFC certified.
6. EU Services Directive (cross border trade in services between countries in the EU allowing on line applications for some licences within Europe)
7. New Licensing Guidance 10 December 2009.

RECOMMENDATION 7: When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools)

Police response

Police engage with young drinkers primarily through operation Park. This is an initiative aimed very much at preventing alcohol misuse and anti-social behaviour in young people. It adopts a multi agency approach and refers young people to our partner agencies for support when appropriate. Officers are also aware of the need to educate young people at the same time as policing them. Op Park is a successful operation and only a very small proportion of those stopped get stopped

on successive occasions. In conjunction with this operation the police work with the ASB team to make home visits to discuss issues with parents as well.

Alongside this operation, police work through the Neighbourhood Schools Officers and Safer Schools Partnership Officers to identify and address problems with alcohol at school. The Safer School Partnership takes a strategic overview of this.

The issue of engagement with young people is a bigger one than this and the Neighbourhood Teams are looking at ways of better improving communication with this group. The Operational Targeted Youth Support meeting (chaired by the police) should take this recommendation on board to look at ways of addressing this point. It should be noted that there are occasions where policing needs to be slightly more confrontational in order to resolve the problem faced at the time.

CYPT response
The ru-ok? service is currently working with schools and the police liaison office for the West Area to develop alcohol education, in partnership with the Healthy Schools Team. The IYSS (Integrated Youth Support Service) and police meet regularly to develop joint working in relation to the Youth Crime Action Plan and delivery of services. This recommendation may need to go forward to this group, through the IYSS Area Manager who is linked into the Youth Crime Action Plan.

RECOMMENDATION 8: Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.

CYPT response
The Healthy Schools Team are continuing to support schools to address the health impact of alcohol as part of PSHE (Personal, Social, Health and Economic Education) and work is being undertaken with General Practitioners and Accident & Emergency departments to support their staff in addressing the health impact of alcohol with young people.

RECOMMENDATION 9: Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.

CYPT response
In the national Alcohol Action Plan, the Government stated that it will produce an advice and guidance leaflet for parents and carers. The CYPT is currently awaiting this leaflet to distribute locally. As part of a successful bid to address youth disorder, the CYPT will be working with city-wide partners this summer to develop a leaflet for parents, carers and those who buy alcohol for young people about the dangers and consequences of underage alcohol consumption and proxy purchasing.

RECOMMENDATION 10: Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.

CYPT response
Under the current restructure of the CYPT, an audit of youth provision across the city is being undertaken which young people and youth advisors will feed into.

RECOMMENDATION 11: The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).

Licensing response:
There is a difference between how applications, variations and reviews are dealt with by licensing panels.

During progress of a recent Bill, some condition making measures were removed. Amendments to the Bill that was enacted as the Policing and Crime Act 2009 changed licensing provisions, with the effect that members of the licensing authority may in future be able to make representations or seek a review in their own right. They would not be required to live in the vicinity or have to have been asked to represent someone who does. As the bill progressed, amendments were also tabled that appeared to remove the discretionary power, originally in the bill, for local authorities to impose conditions on two or more premises in their districts. The Home Office's proposed code practice on selling alcohol responsibly was subject to consultation in 2009. The Secretary of State may be able to make up to nine new mandatory conditions for all premises licence holders although the final composition of these is unknown currently. The strengthening of local councillors' powers to seek a review is seen as a more effective remedy for irresponsible, disorderly premises. This is subject to continued national policy development.