



NOTE OF: Licencing Policy Task Group

FOR: Health and Adults Overview and Scrutiny Committee

TASK GROUP ON: 28th August 2014.

RE: Statement of Licencing Policy; 5th Licencing Objective.

1. Purpose of the Task Group

For Members of the Health and Adults Overview and Scrutiny Committee to be given an overview of licencing restrictions and look at methods of setting in motion changes to the current Licencing Act (2003) to incorporate Public Health.

2. Present

Cllr's O'Keeffe, J Smith, Wright, K Foster, Humphrys.

Also present: Helen Lowey Consultant in Public Health, Dominic Harrison-Director of Public Health, Denise Andrews Group Manager Business compliance and Licensing Blackburn with Darwen Borough Council, Donna Riding Principal Licensing Officer Blackburn with Darwen Borough Council, Jack Henriques Locum Solicitor Blackburn with Darwen Borough Council, Kerri McFadden Legal Officer Blackburn with Darwen Borough Council, Barry Ashbolt Principal Strategy Officer Public Health department Blackburn with Darwen Borough Council, Ben Aspinall Scrutiny Manager and Rebekah Mercer-Scrutiny Support Officer Blackburn with Darwen Borough Council.

3. Background

A question was raised at the Health and Adults Overview and Scrutiny Committee as to what extent Public Health was considered when processing licencing applications. Concerns were raised that current licensing conditions do not always succeed in addressing local difficulties resulting from the sale of low cost alcohol or super strength beers, lagers and ciders and that there was no mention of health conditions in the Licencing Act 2003. Members requested a roundtable discussion with Public Health and Licencing Committee Members and Officers to consider a way to review Licencing Regulations to incorporate a fifth objective to include health.

4. Outcome of task group meeting

Cllr O’Keeffe welcomed all to the meeting and thanked them for their attendance.

Denise Andrews, Group Manager Business compliance and Licensing; advised that Local Authorities had no powers to implement a licencing objective; this must come from Central Government and have the support of all political parties.

Members raised concerns about a recent example of a request for an off licence on a street which already housed five other off licences. Denise explained that until licencing legislation changed, the department was limited as to how far they could restrict applications: Unless there were objections raised under the existing four licencing objectives, it was difficult to reject an application; even if there were already existing premises in the vicinity.

Cllr Wright advised the group that Public Health had requested changes be made to Licencing Policy to incorporate health. He explained that this was a grey area which was causing Authorities many problems, as if applications were rejected under health grounds Councils could be faced with challenges, and as there was no legal backing then appeals must be upheld.

Jack Henriques, Locum Solicitor, advised that as challenge was the main problem, it would be worth looking to reduce the minimum unit alcohol pricing using other legislation; such as Anti-Social Behaviour Orders, Gating Orders and Police Dispersal Orders. He explained that this had been successful in other Local Authorities.

Jack explained that the four licencing objectives were absolute, and could not be bypassed. He explained the current and future legal limitations that would be faced should a fifth objective be added and advised that it was likely that there would be challenge from Parliament as well as those in the licencing trade.

Members questioned if it was still the case that if there were already a similar premises within quarter of a mile then a further application would be refused. Donna, Principle Licencing Officer, advised that there had been changes in the law and this was no longer the case.

Dominic Harrison, Director of Public Health, informed the group that not all of the licencing trade were against a fifth objective being added; public houses in particular were looking favourably at a minimum unit price as their businesses are being decimated by large supermarkets, off-licences and corner shops offering high percentage alcohol at very low prices.

Members heard that whilst there were concerns from the legal team around challenges being received, not making changes at all could create serious health issues. Dominic told the group that the life expectancy in Blackburn with Darwen was way below average and this was largely as the result of alcohol related diseases. He added that the borough was in the top 10% of areas nationally with high instances of alcohol related illnesses; which was a substantial amount considering the area had a large South Asian community.

Dominic advised that whilst there may be short term financial implications to legal challenge, there were long term costs to the borough stemming from alcohol related harm, and currently there was a cost of around £486 per person spend caring for alcohol related illnesses.

Helen Lowey Consultant in Public Health, informed the group that the Public Health department had started to complete public studies investigating the thoughts of the borough about introducing a minimum unit price for alcohol. Helen advised that the results so far show that there was little objection and people were generally happy with the idea. She explained that this information was gathered from a survey of random properties close to the town centre, which formed the start of their public engagement, and now the department were going to filter out this issue to other public forums.

Members questioned as to whether it was known if there had been an increase in alcohol consumption in the Asian community; in particular amongst young people. Dominic advised that there was only anecdotal evidence at the moment, but the long term chronic diseases caused by alcohol was on the increase across the whole population.

Dominic informed Members that there was a danger that the implementation of a minimum unit price for alcohol could be seen as targeting the poor, but this was not the case. To sensible drinkers, the price increase would not make a big difference; the idea was to target the oversaturation of cheap high percentage alcohol and fast food premises.

Donna advised that the department were looking to implement 'Cumulative Impact Policy' where the Authority had evidence to suggest that an area was saturated with alcohol/fast food premises already, and the addition of any more outlets would compound the problems caused.

Members were informed about the potential for voluntary agreements to be made with premises to negotiate the products that they put on sale. It was advised that discussion had already been successful with a major retailer for their new store within Blackburn town centre. The company approached the licencing department to discuss which alcohol products would be sold and decided to exclude high percentage, low cost cider from its shelves. It was advised that whilst voluntary agreements were thought of as a good idea, such agreements are against the competitions act and subject to challenge.

At the Licencing Committee meeting on 15 July, information gained from regional and national seminars and training sessions was considered. Members were advised that of prime importance was the opinion of the Competitions and Markets Authority (CMA) [previously called the Office of Fair Trading]. They advise that by entering into voluntary agreements about what products are sold and at what price there was a risk that traders could be challenged by alcohol suppliers for entering into cartels and having price fixing agreements. In addition the CMA could take action against traders for breaches of the Competition Act.

Comments were made by Members regarding the usefulness of arranging a private meeting with members of the trade to discuss their thoughts on a fifth licencing objective and minimum unit prices for alcohol. The group felt that this was a good idea and something to set up after the 11th September to open a dialogue with those in the trade.

5. Next Steps

5.1 That a letter be drafted to the Secretary of State to demonstrate the imminent need for a fifth licencing objective to be implemented and to lobby for a Private Members Bill to be passed.

5.2 That a meeting is set up with business stakeholders to hear their opinions about introducing a minimum unit price for alcohol, limit trading hours and restrict the sale of high percentage beers and ciders.

6. Update following the meeting on 28th August.

Following the meeting on the 28th August the Chair of the Health and Adults Overview and Scrutiny Committee Cllr Ron O`Keeffe met with the Rt Hon Jack Straw M.P. for Blackburn, who in turn formally wrote to the Rt Hon Theresa May MP: The Home Secretary. Her response is attached as Appendix A.

Rebekah Mercer
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