

Committee Comments	Officer Response
<p>Taken from minutes of Full Licensing Committee - Wednesday, 2nd September, 2020 4.00 pm</p> <p>Members made the following points:</p> <ul style="list-style-type: none"> <li>- praised particular elements of the town’s licensing policy, such as takeaway restaurants being open later than establishments selling alcohol, and asked the Licensing Officer how effective he felt the policy statement was as a strategy. The Licensing Officer emphasised that he felt it was a very helpful tool that informed potential applicants exactly what was expected of them.</li> <li>- There were further questions about the night-time economy, particularly the section of the policy relating to ‘designated areas of concern’ and ‘cumulative impact areas’ (paras. 6.8-6.11). The Licensing Officer responded that the council had been careful in its wording, referring to parts of the town with a particularly large number of establishments serving alcohol as ‘areas of concern’. He suggested that significant evidence would be required for the council to go down the route of deploying this tool. It was a robust mechanism that had not been required so far. The Licensing Act 2003 gave authorities plenty of scope. He added that it would ultimately come down to the quality of representations or objections received on an application.</li> <li>- One Member raised that on page 68, alcohol sales priced by volume/avoiding promotions which encourage excessive alcohol consumptions. Lots of conditional language like ‘should’ and ‘can’ – less concrete policy than he would like. The Chair agreed with RW’s suggestion that the policy should say ‘must’ rather than ‘should’ in the examples cited, in order to increase clarity. The Legal Officer warned that this might be seen as a more specific condition</li> </ul>	<p>The pool of conditions in the policy should act as a guide for applicants and licensees to refer to when formulating applications. As such, they are deliberately not overly explicit to leave some scope to tailor them to each individual case.</p> <p>There remains the right for responsible authorities to intervene if they consider proposed conditions to be too weak. In addition, the licensing committee can impose or vary any conditions on a case to case basis.</p>

- Is the council was legally allowed to put a minimum price on alcohol, like in Scotland? Licensing Officer responded that he believed this was not the case, and it was not within the council's legal scope – English authorities have not gone down this route. He added that there was a minimum price per unit in England, set at the level of alcohol duty plus VAT. However, in March 2020, the UK govt. stated that there were no plans to implement minimum alcohol pricing, although it was monitoring the situation in Scotland. The Chair added that the policy would monitor areas where proxy sales might be common

- vendor required to display clear notices stating that it was an offence to purchase alcohol under the age of 18.

- The Chair made a number of further suggestions, which the Licensing Officer responded to. He suggested monitoring the disposal of glass recycling, and enhancing the wording in part 6.59, which referred to shops selling alcohol. The Licensing Officer agreed that these would be useful additions.

DW also suggested monitoring the use of 'creamer' cartridges (NO2), although the Licensing Officer suggested that this could not be restricted through licensing protocols except in the context of an event.

It is therefore not proposed that any changes are made to the proposed conditions.

The policy document already includes a challenge 21/25 provision which has the same effect as the proposed notice. In addition, selling alcohol to a minor is already an offence in the legislation and the statutory guidance is clear that conditions must not duplicate statutory provisions.

Statement strengthened in respect of underage sales "*including the increased potential for underage and proxy sales which is detrimental to the protection of children from harm.*"

The Psychoactive Substances Act 2016 already creates an office for the use of NO2 cartridges for non-catering purposes. The statutory guidance is clear that conditions must not duplicate statutory provisions and as such it is not necessary to implement any changes.