

Appendix 3: Consultation response analysis
West Lancashire Borough Council
Licensing Act 2003 - revised Statement of Licensing Policy 2011

Consultation representation analysis : consultation period 01/08/10 - 31/10/10

Reference no.	Respondent	Para	Comments	Appraisal	Council response
01/070910	D Tilleray EMCS - WLBC	24.2	Amend to read "10 clear working days".	Justified. Clarifies the requirements of the TEN regime.	Para 24.2 amended.
02/160910	J Neale - Natural England, Electra Way, Crewe, Cheshire CW1 6GJ	N/A	No comments	N/A	N/A
03/220910	J Brown - Association of Convenience Stores, Federation House, 17 Farnborough Street Farnborough, Hampshire GU14 8AG	13.15	new mandatory condition requiring age check policies.	Policy already contains this information.	No change.
		17.7	suitable proof of age schemes need to be supported and give flexibility to choose which is the most suitable.	Policy already supports challenge 21 & LCC age check & gives operators flexibility to choose.	Section amended to give increased emphasis on underage / proxy sales.
		17.7	test purchasing needs to be conducted with Govt guidelines and used to support the retailer.	Policy already supports this proposal.	No change.
		17.7	need to support various methods as proof of age i.e. PASS card, driving licence, passport.	Policy already contains these requirements.	No change - but section will be reorganised to give emphasis on underage / proxy sales.
04/211010	David Mutch, Moss View Ormskirk	N/A	I would like to see restrictions introduced to stop people drinking alcohol on the streets. In Liverpool on street drink is banned why not in Ormskirk?. We have enough bars and late night licensed premises in Ormskirk so please lets say NO to anymore.	Unjustified. Current crime data does not currently support a DPPO, however 14.8 reserves the right of the council to implement a DPPO if needed. Data is closely monitored via the MALT.	No change.

05/211010	Maggi Morris, Director of Public Health, NHS Central Lancashire, Jubilee House, Centurion Way, Leyland PR26 6TR	<p>3.1 of the draft Licensing Policy identifies the current 4 current licensing objectives. Whilst acknowledging the constraints of the Licensing Act 2003, we would seek the inclusion of 'protection of public health' as a fifth licensing objective. This is in line with guidance from NICE (2011) and reflects our recent response to the national consultation on licensing legislation. Alcohol related harm is a major public health issue in West Lancashire. West Lancashire has the highest rate of alcohol specific hospital admissions in individuals under the age of 18 years old in Lancashire (NHS Central Lancashire 2009). Controlling provision and access to alcohol is a central component to reducing harms such as these.</p>	<p>Justified. Inclusion of 'health' as a 5th licensing objective has been the subject of govt consultation on a change in the LA03. However, no results have been released and will only change with primary legislation.</p>	<p>No change.</p>
		<p>4.8 of the draft Licensing Policy identifies that the Authority is seeking to 'help to improve the health and well being of the Borough's residents'. We welcome the inclusion of this within the Policy and the acknowledgement of the role of the Authority in contributing to the public health agenda. For this to be delivered we consider the inclusion of 'protection of public health' as a licensing objective and the inclusion of 'public health and its host organisation' as a responsible authority in the licensing policy essential. This supports recommendations made by NICE (2010).</p>	<p>Justified. See comments at 3.1 above.</p>	<p>No change.</p>
		<p>6.6 identifies that 'the Authority will use the Multi-Agency Licensing Team (MALT) to ensure that appropriate liaison arrangements are in place to ensure proper integration of local crime prevention, planning, local transport, tourism, economic and cultural strategies'. We welcome the acknowledgement within the draft Licensing Policy that for Licensing to be effective it cannot be delivered in isolation. We would seek the addition of 'health strategies' to the list of strategies identified.</p>	<p>Justified. Whilst the issue of public health is not a requirement of the Act, the Authority must acknowledge the potential health implications arising from the operations it licences. The MALT will consider health implications as part of its work, but this does not convey any additional requirement on any applicant and/or licensee that is not contained in the Act.</p>	<p>Para 6.6 amended.</p>

6.7	<p>identifies a list of regular reports that will be submitted and taken into account when licensing decisions are being made. We would seek the inclusion of 'local health profiles' to this list of reports. This would include rates of drinking behaviours across the borough and associated health harms. Licensing is a key component to reducing these harms and it is essential that decision makers in the licensing process are aware of them.</p>	<p>Unjustified. Such reports would influence licensing decisions in relation to health harm - which is currently outside the remit of the Act.</p>	<p>No change.</p>
8.11	<p>states that 'interested parties' are able to make representation against any application during the consultation period for that application in line with the Licensing Objectives. Further consideration needs to be given to how licence applications are publicised to 'Interested Parties' in order for them to make representation. For an 'Interested Party' to make a representation they need to be aware that an application has been made and also be made aware of the licensing objectives. Further work needs to be done with the public to promote this involvement in the licensing process.</p>	<p>Unjustified. The requirements to publicise licence applications are set by statute (i.e. notice on the premises and advertisement in local newspaper). However the Council does also keep brief details of all applications in the licensing register maintained on the Council's website.</p>	<p>No change.</p>
9.1	<p>states that 'Interested Parties' are also able to request the Authority to Review the Premises Licence/Club Premises Certificate where problems associated with any of the Licensing objectives occur. For this to happen in practice, further work needs to be done with communities in West Lancashire to promote the role of 'Interested Parties' in the licensing process. For consultation to be meaningful Interested Parties also need the opportunity to be involved throughout the entire licensing process. Consultation alone with Interested Parties will not address a situation. Interested Parties need the opportunity to be involved in developing appropriate solutions to objections in the form of licensing conditions.</p>	<p>Unjustified. See comments at 8.11 above. Furthermore, the policy is subject to a 3 year review including public consultation - allowing the public to influence the content of the policy.</p>	<p>No change.</p>

11.7	identifies the role of MALT as being broader than enforcement activity, and includes preventative activity such as the Alcohol Certificate of Excellence Awards (ACE). We welcome this approach but seek assurances that this covers both on and off licence premises and also incorporates a component relating to the responsible pricing and marketing of alcohol. NICE (2010) identify that there is clear evidence that alcohol advertising affects children and young people. It identifies that exposure to alcohol advertising is associated with the onset of drinking in young people and increased consumption among those who already drink. This therefore links closely to the licensing objective 'the protection of children from harm' and should be included in the ACE scheme.	Justified. ACE awards do cover on and off licensed premises and also focus on the risks of underage sales.	No change.
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13.12	<p>identifies actions that can be taken through the licensing process to reduce irresponsible drinks promotions. We welcome this. NICE (2010) identify that making alcohol less affordable is the most effective way of reducing alcohol related harm. However, paragraph 13.12 is weighted heavily towards controlling irresponsible drinks promotions in 'on licensed premises'. We have increasing concerns about the impacts of cheap drinks promotions in 'off licence premises', particularly supermarkets, and links to increasing levels of home drinking and associated harms. Evidence shows that the split in off- and on-trade sales has shifted massively. Home drinking has increased by 18% in England over the period 1997 to 2007 (Department of Health 2009) and whilst this is attributable to both demand and supply side influences in isolation, the most significant driver has been growing affordability and a widening gap between off-trade and on-trade prices. Alcohol today is 75% more affordable than it was in 1980 (HMRC 2009). We therefore seek assurance that the ACE scheme covers both on and off licence premises, and specific a reference to reducing irresponsible promotions in of licensing objectives 'the prevention of crime and disorder' and There are no controls regarding how, by whom or in what qua environment when is it is bought cheaply in bulk from superm domestic violence and child protection.</p>	<p>Justified. See comments on ACE awards at 11.7 above (also includes irresponsible promotions). Furthermore, whilst this section relates to mandatory conditions, which therefore cannot be extended to off sales, emphasis is required to highlight irresponsible drinks promotions in off sales.</p>	<p>New para 13.13 added.</p>
17.7	<p>refers to the protection of children from harm and the need for licensing premises operating schedules to evidence satisfactory arrangements to prevent sales of alcohol to children. We know that the majority of alcohol consumed by children is bought for them by friends and family. This therefore needs to be broadened to require evidence that 'satisfactory arrangements are in place to prevent the proxy sales of alcohol for young people'.</p>	<p>Justified. See comments made at 03/220910 above.</p>	<p>Section amended to give increased emphasis on underage / proxy sales.</p>

		app 3	references local crime and disorder statistics. We would seek the inclusion of an additional appendix to include an alcohol related health profile of West Lancashire. We are happy to support the drafting of this Appendix.	Unjustified. The Policy document is used by Members when making licensing decisions, health implications are currently outside of the remit of the Act and should not influence decisions made under the Act.	No change.
06/231010	Stuart Ibbs, St Helens Rd Ormskirk	14.5 / 14.8	I can find no references to Designated Public Place Orders under section 13 of the Criminal Justice and Police Act 2001. What powers can be used to stop drinking? The DPPO doesn't make it an offence to consume alcohol within a designated area. I think these paras need to be revisited and expanded.	Unjustified. Current crime data does not currently support a DPPO, however 14.8 reserves the right of the council to implement a DPPO if needed. Data is closely monitored via the MALT.	No change.
		21.4	The references to saturation are much too vague. The draft policy states (21.4) that not required but by what measure is this being reached? Some would say saturation has already been reached in Ormskirk so it must be wrong to pre determine the matter with 21.4 The policy document needs to be much more precise in this matter	Justified. Whilst current evidence does not support cumulative impact controls, this section will be rewritten to provide greater clarity on the approach the authority will take if evidence supports this approach.	Sections 20 & 21 merged and amended to give increased emphasis on cumulative impact controls
07/221010	Ron Rowles, Ruff Lane, Ormskirk	16 & 19	A particular feature of Ormskirk is that our compact town, where most of the licensed premises are concentrated, is closely surrounded by relatively dense housing arranged in narrow streets. Inevitably many of the customers leaving licensed premises pass through these areas, especially local students who are part of the local community. The noise pollution is considerable very late at night when the ambient noise levels are low and many locals have retired for the night. This is acknowledged by para 16.1 and I would request that you pay particular attention to the point. The longer the licensing hours the greater and the later is the disturbance from those who are last to leave the premises.	Noted.	No change.
08/271010	Mike Tasker, Commercial Safety Manager WLBC	6.22	Business link hyperlink is incorrect	Justified. Hyperlink is incorrect	Amended.
		8.7	"Any such condition(s) will necessary" (is there a word missing after will eg. be)?	Justified. Incorrect syntax.	Amended.
		8.12 / 8.13	Line Space required to indicate new para between conditions 8.12 and 8.13	Unjustified. No change required.	No change.
		14.3	Incorrect reference to Crime and Disorder Act	Justified. Incorrect reference.	Amended.

09/301010	Mrs Susan Raju, Alder Lane, Parbold / Mrs Ros Wess, Burnside, Parbold	3.7	Above is accepted but what happens in those premises can and does directly/indirectly impact on the local community. For example it is against the law to serve people alcohol when intoxicated. This can contribute to anti-social behaviour either inside or outside the premises. In our opinion and experience there is not enough control by the authorities in this area, i.e. checking, and when necessary cautioning/prosecuting staff who for whatever reason break the law by serving customers who are drunk!	Noted. Resources are allocated on the RAG report and prioritised at the MALT.	No change.
		4.2	We agree but the authorities should take into consideration the impact of late night, entertainment/music events on all of the local community and not just where there is a denser residential population. It should be taken into account that when customers leave licensed premises some via cars others walking through the area that local residents are also entitled to not be disturbed by unreasonable nuisance caused by licensed premises.	Noted. This Para is a simple description of the Borough. The controls that focus on these concerns lie elsewhere in the Policy.	No change.
		3.6 / 6.2	When the above type of events and in particular late night/early morning events take place conditions should be imposed on the licensee with regards to trying to prevent anti-social behaviour. For example sufficient staff should be employed to carry out this task with stiff penalties for licensees who ignore their responsibilities.	Noted. These Paras are broad statements of legal obligation. The controls that focus on these concerns lie elsewhere in the Policy.	No change.
		N/A	We have been through the document and whilst there appears to be procedures that can be followed to protect the public from anti social behaviour etc, it means nothing unless there are officers and other public officials available to do spot checks and enforcement. Businesses of course have a right to exist and earn a living and they can also be a valuable asset to their community but the quality of life for the residents of the area should not be forgotten. Surrounding many of these premises there will be residents who are retired, on shift work and unfortunately people who are not in the best of health and should not be expected to feel as if they are banging their heads against a brick wall if problems arise.	Noted. Resources are allocated on the RAG report and prioritised at the MALT.	No change.

10/27/1010	Mr & Mrs Bamber, Appley Lane North, Appley Bridge	N/A	Bulk of the response relates to specific concerns regarding a nearby licensed premises - not policy matters. But states they consider it vital that licensees should be required to ensure their patrons respect neighbouring properties.	Noted. This is embodied in the Policy. However, conditions will differ depending upon whether they were offered by the applicant, mediated or issued by the Council.	No change.
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