

Brent Statement of Licensing Policy: Substantive submissions and responses

Introduction

As part of the renewal of Brent's Statement of Licensing Policy (SLP) for January 2025 a consultation of residents, businesses and stakeholders was undertaken. The Brent SLP consultation took place from the 8 August 2024 to the 13 October 2024 respondents asked to complete an online survey. The consultation received 14 responses and 7 additional responses were received directly by email.

Recommended changes and amendments in response to the consultation are outlined in the second section and an amended copy of the SLP report is appended.

The questionnaire is as follows:

1. Would you agree or disagree that the Licensing Policy will address the licensing objectives.
 - a) Please expand on your answer to the above question.:
2. The Licensing Policy will contribute to Brent's vision?
3. The Licensing Policy is clear and easy to read?
4. The Licensing Policy is clear on the process for applications.
5. Do you feel the existing Cumulative Impact Zones helped to reduce crime, nuisance and anti-social behaviour
 - b) Please expand on your answer to the above question?
6. Do draft Policies 13 & 14, relating to protecting women and vulnerable people, provide a clear approach to reducing violence and exploitation against women and vulnerable people?
 - c) Please expand on your answer to the above question?
7. Is draft Policy 7 clear on the additional expectations around venue safety and incident management?

d) Please expand on your answer to the above question?

8. Does the draft Policy 16 measures to reduce street drinking and its impact, address issues of public nuisance in a reasonable and effective way?

e) Please expand on your answer to the above question?

Online consultation responses

Of the consultation responses received via the consultation web page 13 were from residents of the borough and 1 was from an owner/manager/employee of a licensed premises within the borough.

Submitter	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8
Resident 1		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Resident 2	Yes	No, Not Sure	Yes, No, Not Sure	Yes, No	Yes, Not Sure	Yes, No, Not Sure	Yes, No, Not Sure	No, Yes, Not Sure
Resident 3	Yes	Yes	Yes	Yes	Not Sure	Not Sure	Not Sure	Yes
Resident 4		Yes	No	No	Not Sure	No	No	No
Resident 5		Yes	No		Yes	No	No	No
Business 1		Not Sure	Not Sure	Not Sure	No	Yes	Not Sure	Yes
Resident 6		Yes	Yes, No	No	No	Yes	No	Yes
Resident 7	No	No	Not Sure	Yes	No	No	Not Sure	No
Resident 8	Not sure	Not Sure	Not Sure	Not Sure	Not Sure	Not Sure	Not Sure	Not Sure
Resident 9	No	No	No	Yes	Yes	No	Not Sure	Not Sure
Resident 10	No	No	Not Sure	Not Sure	Not Sure , Yes	Not Sure	Not Sure	No
Councillor 1	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Resident 11	Yes	Yes	No	No	Not Sure	Yes	No	No
Resident 12	No	No	Not Sure	Not Sure	Yes	No	Yes	No

Question/Response	Yes	No	Maybe/Not sure	No Answer
Q1	4	4	1	5
Q2	7	4	2	1
Q3	2	4	5	2
Q4	5	3	4	2
Q5	5	3	5	1
Q6	4	6	3	1
Q7	2	5	6	1
Q8	5	6	2	1
Total	34	35	28	14

The responses included a mixed response with roughly equal positive and negative answers and a higher level of no answer on maybe/not sure answers.

Overall, the most positive responses were to the questions: does this contribute to the Brent vision and the contribution of the Cumulative Impact Zones (CIZ). The most negative responses were to the Policies on protecting vulnerable people and women in the Night Time Economy (NTE) and on addressing street drinking.

The questionnaire does not provide a clear indication either way in terms of the utility of the Statement of Licensing Policy. However, the expansion questions provided some key insights. These include:

- A concern in general in relation to the level of alcohol consumption and disorder in the borough, and concerns that enforcement is not addressing these issues effectively.
- Concerns that the Policy relating to women and vulnerable people in the night time economy does not address LGBTQI+, the Policy does clearly note that LGBTQI+ communities are intended to be covered under this policy.
- A desire for the Minimum Unit Price Policy to be reincluded.

Email responses

The email responses received focused primarily on the re-inclusion of Minimum Unit Price as a policy, and on the amendment of a number of minor matters and inclusions (including an exemption for the hospitals from Late Night Refreshment requirements, as allowed for in the guidance).

The clear feedback from the email responses, in particular those from Councillors, was for the re-inclusion of the Minimum Unit Price Policy.

Summary

The consultation has provided clear feedback that residents are supportive of firmer measures to address alcohol related disorder, harms and nuisance in the borough, and that the primary means to do this are to reintroduce the Minimum Unit Price Policy and to support enforcement approaches to address concerns raised.

A number of more technical amendments and inclusions were raised. These have been included in the marked up, updated draft of the Licensing Policy that is appended to this paper.

Recommendations

The two recommendations are:

- To re-include the Minimum Unit Price Policy;
- To include an exemption for hospitals from Late Night Refreshment requirements (as allowed for in guidance); and,
- Note the minor amendments and corrections made in the updated draft of the Statement of Licensing Policy.

Please note the changes outlined in Appendix 1 below.

APPENDIX 1: TABLE OF CHANGES

The below table outlines all the changes and amendments made

Page no.	Issue	Change made
1.	Amendment required to the description of process for issuing Temporary Events Notices (TENS).	Amended the wording to clarify that the council is responsible for the process of issuing TENS, not for granting TENS.
2.	Unnecessary bullet point including 'provision of dancing facilities' included in scope of the policy. This is no longer relevant.	Bullet point including "provision of dancing facilities" removed.
2.	Amendment required to paragraph to include TENS.	Amended wording of paragraph to include TENS.
4.	Two paragraphs on TENS in the Principles of the Policy section represented a duplication of content.	These two paragraphs were removed as they duplicated content under the TENS policy section later in the document.
11.	Incorrect email address for Brent Trading Standards	Email address corrected.
20.	Amendments needed to clarify Public Space Protection Order powers.	Text amendments to clarify that the offence is to fail to comply with an order from a Police officer or authorised person to cease drinking and/or surrender alcohol were made.
21.	No exemption was in place for hospitals to provide hot food and drink between the hours of 11pm and 5am without a licence.	A paragraph has been included outlining that an exemption is to be provided as per Home Office guidance.
30.	A section on Minimum Unit Price under Policy 27 in the 2020-25 Policy had been removed for this draft. Response's to the consultation, in particular from Councillors, overwhelmingly supported the re-inclusion of this part of Policy 27.	A section under Policy 27 on a voluntary Minimum Unit Price has been re-included.
77.	In Appendix 10: Glossary of Terms the deregulation of entertainment required further clarification.	A section has been added to the Glossary of Terms to provide detail on exemptions provided for.

APPENDIX 2: EXPANSION RESPONSES

Expansions on questions

Submitter	Q1: Expanding comments	Q5: Expanding comments	Q6: Expanding comments	Q7: Expanding comments	Q8: Expanding comments
Resident 1		Only insofar as they make it slightly harder for new off licences to open			
Resident 2	However my overall feeling is not enough is done to protect children from harm. Most initiatives are designed to reduce underage drinking but not reduce the harm of young children being in unsuitable environments with drunk patrons and often drunk parents. Any pub that is solely designed for drinking (ie no food) should have a curfew for children of 7pm. Any pub where there has been issues with drunk and disorderly behavior or violent incidents should not be allowed to have				

	children on the premises at any time.				
Resident 3	As a father of two young girls I am concerned over the late night licenses of pubs and bars in Brent which significantly impact on residents peace and quiet in their homes. One pub in Kilburn is notorious for breaking their license and causing public nuisance!	Its a self policing policy at present and no one is sanctioning pubs and bars if they cause noise and nuisance to resident's.			
Resident 4	I don't really see how there will be much change when these policies will depend on enforcement - which the council is notoriously bad at - and some of the methods mentioned are voluntary or not mandatory. It's fine to come up with ideas (though these proposals could be tougher or more challenging), but it will all depend on action being taken when these rules are breached and I just don't believe that will happen and so there will be no difference.	The idea of a CIZ is a decent one. However, because they only apply to new or amended licences, the existing licensees in the area are still causing issues. It would be better if all existing licences were made to renew on the introduction of the CIZs, and then each could've been reassessed. I know you will probably state something along the lines of this not being necessary as you can take action against problem licensees already by withdrawing	These policies really only seem to speak to these issues 'on premises', but don't really take into account the other issues caused by drinking when they are elsewhere outside and away from licensed businesses. There are plenty of issues in our town centre caused by drunks that have been in licensed premises and left them - what happens and where is the policy in these situations? I would also like to highlight that it is not just women and vulnerable	Businesses like Wembley Stadium and the Arena that are care enough about their public image and are big enough to already need to worry about terrorism and capacity are already careful to manage issues of venue safety. In regard to these establishments, this policy is fine. However, I can see this making absolutely no difference to smaller licenced businesses, because again, there will be little or very rare enforcement from Brent Council on this. When the	This won't have much effect either. The policies are voluntary or suggested - and as licensed businesses don't do these now, there is absolutely no reason or incentive for them to need to do these once you have published this document. If they were bothered about keeping litter away from their premises and voluntarily not selling high strength alcohol they would be doing this now. But they don't need to, so they don't, and so the issues keep existing. This won't change by having voluntary and/or

	Also, these policies will only apply to new and changed licences - but there is a huge problem with existing licenced premises, so these will not make a dent on the issues there. So I am not hopeful for drastic or swift improvements as a result of this document..	their licences, etc. However, in practice this doesn't really work - Brent Council is terrible at enforcement of any of their policies or guidelines, and withdrawing a licence places a burden on the Council (which has to argue why a licence should be withdrawn and which could be appealed against), instead of the burden on the licensee (as when the applicant submits their application, they have to prove their premises will not cause issues). Again, bearing in mind the record of enforcement and pro-activity from Brent Council, it would be better to shift this burden off the council so that something actually gets done.	people that need support in this regard. I am a gay man and several times I have been the victim of threatening homophobic behaviour in my local area from drunken men/the large groups of men that loiter around the town centre drinking (and doing worse). So it is not just women - there are some men who also need protection from violence and anti-social behaviour in this area.	small bars and clubs on Harrow Road or Harlesden High Street are overflowing for Carnival afterparties, will the council take action? Unlikely as there would be a riot! There were huge street parties taking place in Church End during Covid lockdown and they weren't closed down, so why would there be any enforcement of this in much more regular circumstances? So I don't think it will make any difference with small venues who know they can get away with ignoring many of these policies.	unenforced policies and guidelines. Please go further and tougher - otherwise things won't improve.
Resident 5					MUP should be retained.
Resident 6	The minimum price cap exists to control public drinking which is a major	You need to do much, much more and your primary focus should be	If you bring alcohol into the mix, you increase the chances of harm being	You shouldn't allow venues to serve alcohol after midnight. What is	The proposed one to reduce the cap? No. You should never allow cheap

	<p>problem in Harlesden. It is uncomfortable enough as a woman having to be in spaces where such heavy drinking is allowed to happen. I dont understand why Brent Council is so happy to have severe alcoholism in Harlesden.</p> <p>If this is to bring in money please find another way. This way is totally immoral and dangerous for the health of those drinking and the safety and well being of residents. I've lived here my entire life and this is the worst it has ever been. If anything the price cap needs to be increased severely. The only people who will buy the cheap alcohol are people with serious alcohol problems. Why do you want them to kill themselves like this? It's an awful, immoral and cruel idea.</p> <p>I don't think any of you live in Harlesden so you</p>	<p>on treating the emotional and mental trauma of alcoholics. You need to stop trying to get easy money I.e. via booze and start encouraging moral, health, forward thinking businesses to this area. I would be happy if you reduced the number of shops allowed to sell alcohol and a severe restriction on hours of the day. An outright ban would be ideal until problems are fixed (i dont care if the posh types want their booze - they can buy it elsewhere). The Swedish way of government cards to buy a limited amount of alcohol is the way forward. That way alcoholics will never be able to get their hands on alcohol. As said above, you need to also prioritise therapy for them and the processing of their trauma.</p>	<p>done to women. It plays a huge part in domestic violence (including mental, sexual and emotional abuse) and domestic violence is something that occurs within homeless relationships. Considering the majority of people who buy cheap booze are homeless, how will you protect homeless women from men who abuse alcohol?</p> <p>You may well need a team of independent people to monitor the behaviour of customers AND STAFF in said venues. Men who spike women's drinks are not always working alone. How will you protect women and vulnerable people if staff enable (and agree with) poor treatment of women? Misogyny is on the rise and many young men AGREE that women should behave in a certain way and should be mistreated if they</p>	<p>midnight to 10am? Nobody should sell alcohol during this time AT ALL. Why would you think it was okay to serve alcohol in the morning?? Anti-social hours should be adhered to. If you can't make noise after 9, why are you selling alcohol after 9? It should be very heavily sanctioned and council or government controlled. It causes too much damage. Off licences should be fined and shut down for a period of time if caught serving to alcoholics. They do not care about the welfare of people.</p> <p>Also you should be actively treating alcoholism. If people don't have the right to work here they have nothing to do but drink. Give them something to focus on. It's a depressing existence for them especially if coming from war torn countries. Why on earth would you make it easy for people who cannot legally do</p>	<p>alcohol to be available to alcoholics. You know full well they are the ones who will buy them. Only alcoholics drink those brands. Also street drinking is not just a night venue problem, the majority of street drinking happens during the day. It should be ILLEGAL to drink on the streets of Harlesden. Brent Council has to take responsibility for once. You're going to make it easier for alcoholics to buy alcohol. The venue isn't going to stop "customers" (addicts) from drinking around jubilee clock. You allow it.</p> <p>It's not just a nuisance to non alcoholics, you should be extremely concerned for alcoholics and I don't know why you aren't.</p>
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	<p>don't have to face the consequences. They drink from morning to night. Please stop this and increase the cost of alcohol. Better still, ban it until you put all of those alcoholic men in rehab which you SHOULD be doing anyway instead of leaving them on our streets to rot and make Harlesden an unsafe place. Please stop using Harlesden as a dustbin for all of the social problems Brent Council cannot be bothered to fix.</p> <p>I am also concerned for the women who are alcoholics and exactly how you're going to protect them from these men.</p> <p>Can I also suggest it is made compulsory for you to post leaflets through our doors with all of these projects as soon as they're planned. We don't get a say and</p>		<p>don't. You need to educate boys from school age and to understand that the protection of women cannot be blindly placed in the hands of staff.</p> <p>Also older women can be vulnerable if their sons have alcohol issues. Extra protection is needed. This goes beyond venues but the way you can prevent this is to make it impossible to buy cheap alcohol and also remove those men from the homes. Detention centres for violent men and alcoholics should also be a priority.</p>	<p>anything, to drink themselves to death?? They need access to mental health facilities first before they ever get to put their hands on alcohol.</p>	
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	<p>most of us never hear about them. I had to be told about this horrible idea. We have many older residents who do not use the Internet and you should have to tell them what is going on. Most people will not check the website as well you know which is why you have destroyed Harlesden so much. Please post leaflets for every project giving all of us enough time to respond before proceeding.</p> <p>Please also stop with the betting shops. You are happy to see Harlesden full of gambling addicts and alcoholics so you can get money. It's disgraceful. Stop thinking about money, start thinking about people. They wouldn't even consider doing this in other boroughs. Make it a priority to get your money from other, BETTER sources, not</p>				
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	<p>anything that results in the harm of other human beings.</p> <p>It's actually so bad it's worth us going to the media about it as a community, because you shouldn't be allowed to destroy an already poor and deprived area the way you have. The racism involved in destroying a predominately non-white neighbourhood speaks volumes about what you think we deserve as people. You don't live here so you don't care!</p>				
Resident 7	<p>There are insufficient measures to deal with street drinking and the associated problems that generates</p>	<p>CIZs don't address the problem of bars. A street could have five or six bars in close proximity all selling on-sales alcohol, potentially with late licences where the customers spill onto the street</p>			<p>Minimum Unit Pricing (MUP) should be retained as an optional tool. MUP was specifically referenced when the previous SLP was introduced as an important tool, removing it now would be a backward step. If a shop is selling 63% ABV rum to street drinkers what is the mechanism to deal with it - banning beer/cider over 6% doesn't matter to the street</p>

					drinkers who make repeat purchase of spirits. as their alcohol of choice.
Cllr 1			Minimum unit pricing would be a useful tool if it was a national policy. It is impractical for councils to implement a scheme. And in places like London people can easily travel to a neighbouring borough where minimum unit pricing does not operate.		
Resident 8					MUP should be retained
Resident 9	You to continue with the minimum pricing policy		Include minimum pricing policy		You need to continue minimum pricing policy

APPENDIX 3: WRITTEN RESPONSES

Written Responses

Responder	Comments
Cllrs 2 & 3	<p>As a Harlesden and Kensal Green ward councillor, I have seen for far too long the deleterious effects of street drinking, both on the street drinkers themselves and the broader local community. Street drinking is a scourge on top of a number of issues which the community of Harlesden and Kensal Green faces, demoralising both residents and local businesses, which work hard to improve our home. As the street drinkers themselves, I have seen firsthand how easily available alcohol scars lives, and prevents some of society's most vulnerable people from seeking the help they desperately deserve.</p> <p>Minimum Unit Pricing (MUP) seems to be a potentially cheap but powerful – if currently underutilised – tool to tackle street drinking. Indeed, when MUP was introduced as part of the current 2020-2025 Statement of Licensing Policy, it was stated that such a tool would serve to tackle the issue of street drinking. I would like to see this tool (MUP) not only to be continued in the new Statement of Licensing Policy, and equally pertinently, rolled out more widely and robustly enforced.</p> <p>Of course, it will be important that MUP is used as part of a broader package of approaches to tackle street drinking. But since a) MUP is currently underutilised and perhaps more fundamentally b) MUP seems to be a low-cost policy tool, it would make sense to me that it is not only retained, but, as I have mentioned, implemented more comprehensively.</p>
Cllrs 2,3 & 4	<p>In response to Council's above live consultation, I would like our views as local ward councillors to be considered with reference to the intended policy of abolishing minimum unit alcohol pricing (MUP). The current Statement of Licensing Principles (SLP) for 2020-2025 includes a policy aim to deliver MUP. Given the problems we have faced with alcohol abuse and public nuisance in Harlesden and Kensal Green, we were extremely surprised that the new SLP removes even the possibility of setting an MUP in licensing conditions. It makes no sense at all that a progressive council such as ours would unilaterally give away a power, which if used proportionally and selectively, has the potential to contribute to public safety and the prevention of crime and disorder.</p>

None of us believes that MUP is a blanket policy which should be used for all premises. However, it is a useful tool in certain circumstances and these changes would mean that the council could not use it for any licensed premises in the borough at all.

In Harlesden and Kensal Green, under MUP a can of very strong cider would increase from £1.39 to £2.94 and a litre bottle of strong spirits would increase from around £32 to £44. These are significant changes which we believe would make street drinking more difficult for many people and help to **prevent the public nuisance** they cause as a result, whilst having little impact on the vast majority of responsible drinkers who consume alcohol in their homes or pubs or restaurants.

There is evidence available to back up our view. A Public Health Scotland study was the first to evaluate the impact of minimum unit pricing (MUP) on street drinking and the homeless in Scotland. The study found that people experiencing homelessness and/or drinking on the streets may reduce their alcohol consumption and re-budget their funds when alcohol becomes less affordable. The study also showed that hazardous drinking was reduced by MUP at a greater rate than consumption as a whole.

MUP can also make very strong alcohol less attainable to young people, contributing to the council's intention to **protect children from alcohol-related harms**.

The draft SLP states that the policy is being removed because it has "not been used" and "other approaches have had a positive impact in the area of low cost, high strength alcohol sales". We are uncertain how it can be judged that other interventions are more effective if MUP has not been tried at all? It is strange that the council is giving away powers before they have been tested.

We therefore encourage the council to:

1. **Reinstate MUP as part of the SLP for the next five years**
2. **Educate the licensing committees to ensure they are aware that this is a tool available for them in specific circumstances**
3. **Conduct a further review of the effectiveness of MUP if implemented in any areas before making assertions as to its policy effectiveness**

In addition, we are aware that there have been several problems with the link to the SJP consultation page. It is welcome that the deadline was extended for a week, however, this is not sufficient to ensure that all local parties have the opportunity to have their say. Specifically, in our ward, the Harlesden Neighbourhood Forum is the local planning authority, and believe they have not had the opportunity to engage properly in the consultation process as a result.

We would therefore request that the council:

	<p>4. Conducts a full review of the accessibility of the consultation, given numerous reports – including from a resident of Harlesden Neighbourhood Forum – about access to the link throughout the period it has been live</p> <p>5. Proactively communicates with partners in Harlesden and Kensal Green to encourage them to submit their views on this contentious issue</p> <p>We hope these comments will be taken as part of the wider consultation and clear action is taken to deliver on the five recommendations we have made above. If the council is not minded to deliver on these five ideas we would like to organise a meeting with you and the Cabinet Member at your earliest convenience to discuss why this is the case, and what further steps we can take.</p>
New Beginnings	<p>Via New Beginnings is Brent’s local drugs and alcohol service: https://www.viaorg.uk/services/brent-new-beginnings/. We also have a young persons service called Elev8: https://www.viaorg.uk/services/brent-elev8/</p> <p>If there is any possible way that the service could link in with the license holders through this then we would be really keen to work together. We would not be there to stop people drinking, but if we can make sure license holders know some of the risks, and most importantly know about New Beginnings and how their customers could get support, then this would be brilliant.</p>
Trading Standards officer	<p>Please can you consider the following points/comments in respect to the draft statement of licensing policy consultation?</p> <p>Policy 1: Process for applications.</p> <p><u>My comments:</u></p> <p><i>Page 11 appears to be incorrect in respect to the correct email address for Trading Standards</i></p> <p><i>The correct email address is: trading.standards@brent.gov.uk</i></p> <p>Policy 9: Impact of major entertainment venues • Policy: The Council will continue the policy of imposing special conditions in dealing with alcohol-related issues during major events.</p> <p><u>My Comments:</u></p>

*I understand there are certain **mandatory conditions** for certain on & off sale premises on Wembley Stadium event days and that there are a number of **voluntary agreed commitments** for on/off sales. Is it not the case that - No alcohol to be sold off-licence to those wearing game day paraphernalia is part of the voluntary agreement with certain relevant premises?*

If major Wembley Events also include higher risk events that are not football matches then I would of thought that for consistency and proportionality that those attending such events should also be subject to the 'wearing of paraphernalia such a branded concert artist or boxing match related paraphernalia that are usually seen and worn by attendees. I also believe that 'paraphernalia' is not the correct term to use in our policy in terms of a definition that is relevant. I would suggest that clothing items, accessories or any other indicators that suggest an individual is attending the event is more relevant and accurate to ensure that scarves hats etc.

I would also like to raise the issue of how the term major Wembley events are defined in relation to our licensing policy. There should be a published definition of what this term specifies which is clear, consistent and unambiguous, and which is published and directly linked to our licensing policy.

We currently have at least 3 separate definitions of what a major Wembley event actually is and this can be evidenced on a number premises licences for on/off sales in the Wembley area. This is inconsistent and allows certain premises to sell more than 4 cans of alcohol etc. An example of this is when the event is not deemed to be a relevant Football Association match. So in the current set up,concerts or boxing events would fall outside the definition of a Major Wembley Event.

Policy 12: Public Space Protection Orders • Policy: Brent has Public Space Protection Order for street drinking covering the whole borough and therefore it is an offence to drink alcohol in any public place.

The Public Space Protection Order for street drinking was applied Borough wide in October 2017. This means that it is an offence for any person to drink alcohol in public place within the borough.

My comments

The above policy point is factually and legally incorrect for the following reasons:

9. Public Spaces Protection Order 14.49 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable (this is taken from the statutory guidance regarding PSPO implementation)

2. It is not an offence to drink alcohol in a controlled drinking zone.

However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. A person who is liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it. (This is taken from Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals).

Whilst it is correct to reference the PSPO, it is of paramount importance that the PSPO does not form any part of our formal licensing policy that is directly linked to the Licensing Act 2003 for the following legal reason - Restricting alcohol: A Public Spaces Protection Order can be used to restrict the consumption of alcohol in a public space where the relevant legal tests are met. However, such an Order cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol (other than council operated licenced premises). This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if Public Spaces Protection Orders were introduced here (This is taken from Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals).

The statutory guidance for the Licensing Act 2003 (May 2023) states the following - Licensed premises in general are exempt from the effect of a PSPO.

This quote is taken from **Policy 23: Dispersal and entry** "Section 182 guidance makes it clear that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises".

In short a licensed premise can not be directly or indirectly be in breach of a PSPO for alcohol related anti-social behaviour issues.

*Also included in **Policy 12** is the following statement:*

If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned: a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container) c) An officer may dispose of anything surrendered to him/her as above. d) Issue fixed penalty notices on offenders e) Prosecute persistent offenders.

My comments:

This above is incorrect and should be amended to include the wording in the Anti-social Behaviour, Crime and Policing Act 2014 i.e. If a constable or an authorised person. This will include council officers who are authorised to enforce the PSPO.

Policy 15: Voluntary ban on high strength sales • Policy: The Council strongly encourages applicants to implement a voluntary ban on the sale of high strength alcohol. The Council supports and encourages licensees implementing a voluntary ban on high strength alcohol sales. These voluntary bans are aimed to tackle the problems associated with street drinking by removing from sale low price, high-strength alcohol products through voluntary bans implemented by local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers. The models used vary from place-to-place but tend to target alcohol products above 6% alcohol by volume (ABV) as well as sale of miniatures, although some have focused on a slightly lower ABV or lower cost products. The Council encourages and supports applicants to outline any voluntary ban in their operating schedule or voluntary conditions offered as part of their licence application.

My comments:

	<i>It's important to ensure clarity on the difference between voluntary agreements by licensed premises and those conditions that are imposed which are mandatory or included in annex 2. I would suggest that the term "voluntary ban" is changed/removed as an action is either banned or restricted by a license premise on a voluntary basis. Some premises have conditions imposed on their licence that prevent them from stocking certain types of high strength alcohol.</i>
Cllr 5	<p>Thanks for your email. I will have a close look but I would like to know what we can do about imposing extra conditions - especially for take aways including:</p> <ol style="list-style-type: none"> 1. provision of litter bins outside the premises and bringing the bins inside after closure. 2. sweeping and litter picking area outside the premises (within reasonable parameter). 3. if alcohol is sold monitoring and dealing with on street drinking on their premises. 4. all premises having dedicated delivery drivers and not adhoc Uber etc ones - and requiring for the drivers to wait inside the premises and not to gather outside drinking and shouting late into the night. <p>Unfortunately the consequence of extending of opening hours in Sudbury is that granting extended hours licences has increased littering, drinking and general anti social behaviour in Sudbury streets.</p> <p>I would like to know how we can change the police so that standard conditions can be imposed on new (and even existing) licenses.</p>
Licensing officer 1	<p>In relation to late night refreshment exemptions, the LA would like to exempt hospitals as referred in the guidance attached.</p> <p>We feel that the provision of late night refreshments between 23:00hrs to 05:00hrs will not undermine the licensing objectives and in fact benefit the community.</p>
Licensing officer 2	Provided on a separate document and taken into account.

It is recommended that this policy is retained.