

Summary of responses to consultation

Relevant Section of Policy	Response Received	Officer Recommendation
Respondent: The British Beer & Pub Association (BBPA)		
<p>Paragraph 22.32 (Public Health):</p> <p>Whilst public health is not a licensing objective health bodies are deemed to be responsible authorities under the Act and may now make representations in respect of applications and call for the review of a premises licence or club premises certificate where they have appropriate evidence to do so and can demonstrate how an applicant's proposals at the specific premises will undermine one or more of the licensing objectives.</p>	<p>The BBPA have acknowledged the contents of this paragraph and urge the Licensing Authority only to consider public health representations when concerning specific premises and to the detriment of one of the licensing objectives, as the Licensing Act intends.</p> <p>Also highlights that it is often difficult to link health representations directly to an individual premises and suggest that well-run premises are penalised through inaccurate use of health data when an incident is linked to that premises but not necessarily caused by it.</p> <p>They recommend that the statement of licensing policy suggests that health representations are considered on an individual basis to determine whether there is a direct link with a particular premises.</p> <p>Further they submit that the policy fails to recognise that licensed premises contribute significantly to the creation of a more responsible drinking environment and that public health concerns may result from alcohol consumption outside of or before entering the responsible drinking environment of the premises.</p>	<p>Having regard to the proposal that health representations should be considered on an individual basis, it is accepted that the policy should make it clear that applications will be considered on their own merits. However, it is proposed that this information should be highlighted as a general principle and not restricted to health representations. Whilst reference to this principle is set out in paragraph 1.17 of the Statutory Guidance it is considered appropriate for it to be referenced within the Authority's own statement of licensing policy.</p> <p>Recommendation: Having regard to the comments of the BBPA it is recommended that an additional paragraph be added within Paragraph 4.0 (Fundamental principles) of the policy as follows:</p> <p><i>"4.9 Each application will be considered on its own merits and in accordance with this statement of licensing policy; for example, if the application falls within the scope of the cumulative impact policy. Conditions attached to licences and certificates will be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need</i></p>

		<p><i>for such conditions. Standardised conditions will be avoided and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case".</i></p> <p>The respondent submits that the policy fails to recognise that licensed premises contribute significantly to the creation of a more responsible drinking environment. This comment is mirrored by the Director of Public Health (DPH) outlined later in this document.</p> <p>Recommendation: Having regard to the comments of the BBPA and DPH it is recommended that an additional paragraph be added within Paragraph 22.0 (Public Health) of the policy as follows:</p> <p><i>22.41 "The Licensing Authority recognises the value in well run and responsible Community pubs and those with an associated offer other than alcohol, like food or entertainment. A shift in drinking patterns and consumption gives rise to concerns that harm from alcohol may now be driven by low cost "off" sales, and not necessarily by sales in pubs. The Licensing Authority also recognises that the more visible harms created by drunk and disorderly behaviour in the night-time economy are also increasingly driven by pre-loading cheap alcohol from shops and supermarkets."</i></p>
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Paragraph 22.40 (Public health):

Such initiatives may include:

- **Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans, (Note: this does not include premium, craft or specialist products as these are not a target for problem drinkers);**
- Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising;
- Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers).

The BBPA are particularly concerned with the suggestion to ban high strength beer and cider above 6.5% ABV to reduce alcohol related harms. They propose that it is not widely accepted that imposing bans on higher strength beers and ciders is "best practice" as is suggested in the policy. They suggest that encouraging licensees to consider such initiatives may create issues around competition law and will restrict certain products from entering the market. They advise that although the licensing policy suggests that premium products should not be included, it does not set out a definition of "premium" and state that there will be significant difficulty in defining such products. Premises may, therefore, choose not to stock any products over 6.5 ABV.

They state that there is also a lack of evidence to suggest that this policy is effective in tackling alcohol related crime and disorder or public health concerns and cite examples of research by the London School of Hygiene and Tropical Medicine, Camden/Islington Public Health, and Alcohol Research UK which indicates that bans on higher strength beer and cider prove ineffective as problem drinkers will simply purchase alcohol from alternative premises that are not restricted by the condition or switch to an alternative replacement such as spirits or drugs. They consider that licensees adopting this blanket approach to tackling public health issues is a perfect illustration of a type of measure that has proved to be ineffective and that a targeted approach based on partnership working which is specific to local issues has a more positive impact on alcohol related harm and disorder.

Whilst the respondent's concerns are noted as regards the use of voluntary initiatives relating to avoiding the sales of beers, lagers and ciders over 6.5% ABV, more commonly referred to as "Reducing the Strength" campaigns, the Licensing Authority is satisfied that there is scope within the policy to reference this approach to tackle the harmful effects of strong and low cost alcohol products.

Portsmouth have taken significant advice upon recognising such schemes when considering applications on an individual and evidential basis and are satisfied that the use of such voluntary initiatives do not breach competition law and also the Licensing Authority does not impose blanket licensing conditions on retailers.

The Local Government Association has produced guidance for Licensing Authorities who may be considering setting up such schemes and in fact Portsmouth's scheme is referred to in that guidance as a case study. The guidance can be viewed at this link:

<https://www.local.gov.uk/reducing-strength-guidance-councils-considering-setting-scheme-1>

Recommendation: Licensing Authority to note comments but no amendments needed to the statement of licensing policy.

<p>Paragraph 24.1 (Late Night Levy)</p> <p>The Licensing Authority acknowledges that the Police Reform and Social Responsibility Act 2011 enables a licensing authority to charge a levy on persons who are licensed to sell alcohol late at night in the authority's area (between midnight and 06:00 hours), as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.¹</p>	<p>The BBPA note the contents of this paragraph and indicate that they are opposed to the late night levy as a licensing and taxation tool.</p> <p>They urge the Licensing Authority not to implement a levy at any point and highlight references within the House of Lords committee report on the review of the Licensing Act 2003 and refer to its conclusion that <i>"given the weight of evidence criticising the late night levy in its current form, we believe on balance it has failed to achieve its objectives and should be abolished"</i>.</p> <p>They consider that a late night levy is a direct tax on local businesses and has a number of fatal flaws, including the fact that it fails to achieve predicted revenues. Most importantly it does not include businesses as stakeholders in the safety of the local night-time economy when, in fact, the BBPA consider them to be vital in ensuring a safe and responsible environment. They would instead advocate for a local Business Improvement District, alongside a number of other local partnership initiatives that have proven effective, such as Pubwatch, Best Bar None, Street Pastors, Purple Flag and Community Alcohol Partnerships.</p>	<p>Recommendation: That the Licensing Authority note these comments but no amendments needed to the statement of licensing policy.</p>
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¹ Section 142 of The Policing and Crime Act 2017

Respondent: Hampshire Fire & Rescue Service (HF&RS)		
<p>Paragraph 5.4 (Licensable Activities) :</p> <p>To be licensable, one or more of the following activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:</p> <ul style="list-style-type: none"> • Take place in the presence of a public audience, or • Where that activity takes place in private, be the subject of a charge made with a view to profit. 	<p>HF&RS have queried whether the wording of this paragraph needs to be amended so as to remove the word "following" (on the first line of the paragraph).</p>	<p>Noted and acknowledged that this is a typographical error within the paragraph.</p> <p>Recommendation: Remove the word "following" from paragraph 5.4.</p>
<p>Paragraph 21.0 (Promotion of equality):</p> <p>21.1 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and</p>	<p>HF&RS have commented that this area should fundamentally highlight the appropriate parts of the Human Rights Act first. There should also be an intention to go above and beyond legislative red tape to promote a fully inclusive community and society involvement.</p>	<p>The comments of HF&RS are duly noted in relation to the Licensing Authority's legal obligations under the Equality Act 2010.</p> <p>The statement of licensing policy recognises this obligation in the document as is recommended within the Statutory Guidance. The Council provides additional information on its website as to how it will undertake that function and paragraph 21.0 of the policy links to that information.</p> <p>Recommended: That the Licensing Authority note the comments of Hampshire Fire and Rescue Service but no changes are required to the statement of licensing policy as the paragraph accords with the Statutory Guidance and provides a link to additional information contained on the Council's website.</p>

<p>maternity, race, religion or belief, sex and sexual orientation.</p> <p>21.2 The Council is required to publish information at least annually to demonstrate its compliance with the Equality Duty. These details are published on the Council's website.² Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.</p>		
<p>Paragraph 22.14 (The licensing objectives - public safety):</p> <p>22.14 Licence holders have a responsibility to ensure the safety of those persons using their premises, as a part of their duties under the Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also</p>	<p>HF&RS have commented that in relation to the bullet heading relating to fire safety that the policy should either have a separate section please or change to;</p> <p>Fire Safety Duties including the requirement for;</p> <ul style="list-style-type: none"> • Written fire safety arrangements (the organisations policy); • A fire risk assessment in writing; • An emergency plan that includes the evacuation procedure and management of capacity; • The provision of suitable fire warning and detection, fire-fighting equipment, emergency lighting, escape signs and fire exits; • The maintenance of the premises and facilities; • The appointment of competent persons; • information and training to staff, the self 	<p>Whilst the comments of HF&RS are duly noted the Statutory Guidance (paragraph 1.19) clearly advises that licence conditions should not duplicate other statutory provisions but states that Licensing Authorities and licence holders should be mindful of requirements and responsibilities placed on them by other legislation. Reference is included in this section to the Regulatory Reform (Fire Safety) Order 2005 which covers the matters that HF&RS refer to in their response.</p> <p>Paragraph 22.14 is as set out in paragraphs 2.7 and 2.8 of the statutory guidance.</p> <p>Recommended: That the Licensing Authority note the comments of Hampshire Fire and Rescue Service but no changes are required to the statement of licensing policy as the paragraph accords with the Statutory Guidance.</p>

² <https://www.portsmouth.gov.uk/ext/the-council/equalities/equality-law-and-its-significance-for-the-council.aspx>

promote the crime and disorder objective as noted above.

There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it will not be the purpose of the condition as this would be outside the Licensing Authority's powers (be ultra vires) under the Act. Conditions will not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

Applicants should give consideration to a number of matters in relation to public safety which may include:

- **Fire safety;**
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employed and those from outside undertakings;

- co-operation and co-ordination with other responsible persons where a premises is shared.

<p>Paragraph 22.19 (Public Safety):</p> <p>The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the Act³, the applicant will be expected to conduct their own risk assessment as to the appropriate capacity of the premises. They should then send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.</p>	<p>HRFS have commented that they should be advised of capacity and how this will be managed whilst the premises is occupied. This would be recorded primarily in the fire safety policy and emergency plan. The fire risk assessment would evaluate these to ensure that they remain appropriate. We do not recommend, we look to be advised and challenge if we do not agree.</p>	<p>The comments of HF&RS are duly noted but the reference to capacity outlined in paragraph 22.19 (Public Safety) is in accordance with the Statutory Guidance (paragraphs 2.12 and 2.13).</p> <p>Recommended: That the Licensing Authority note the comments of Hampshire Fire and Rescue Service but no changes are required to the statement of licensing policy as the paragraph accords with the Statutory Guidance.</p>
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³ Section 177 of the Act now only applies to performances of dance.

<p>Respondent: Director of Public Health</p>		
<p>Paragraph 13.3 (Special policy relating to cumulative impact in Portsmouth)</p> <p>13.3 The headline trends from this report for the Guildhall Walk night time economy ("NTE") area in the last 3 years show:</p> <ul style="list-style-type: none"> • The number of violence offences (purely NTE violence) has increased year on year; • The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is down year on year; • The number of violence offences 'with injury' (purely NTE violence) has increased year on year; • The number of violence offences 'without injury' (purely NTE violence) has increased year on year; • The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district 	<p>The Director of Public Health (DPH) has requested that the following statement about Safe Space is added to the bullet points that support the Cumulative Impact Policy:</p> <p>"Safe Space has been running for over 5 years in the Cumulative Impact Area and was a recommendation of the Portsmouth Alcohol Strategy 2009-13. It is currently delivered by South Central Ambulance Service (SCAS). It was set up to provide a one stop shop in the City Centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department and subsequent admissions.</p> <p>The service is open from 22:00 until 03:00 hours Friday and Saturday nights and other key dates in the calendar year including New Year's Eve.</p> <p>In total a total of 473 people were seen by Safe Space, this number grew to 494 in 2016 and in the first quarter of 2017 (Jan - Mar) Safe Space treated 106 people for a wide range of injuries or conditions.</p> <p>During 2016, the most common recorded reason for attendance was "in drink" (152), this usually means that the individual is heavily intoxicated by drink and requires the most attention and management. The second highest complaint was injury (108) which was an accumulative of all types of injuries.</p> <p>The DPH strongly supports the continuation of the CIP in the City Centre".</p>	<p>Whilst the DPH has proposed that the reference should sit within Paragraph 13.3 it is respectfully suggested that as this information was not relied upon in relation to the gathering of evidence for cumulative impact it would not be appropriate for this information to sit within this section.</p> <p>However, it is considered appropriate to reference the work and success of this scheme within the statement of licensing policy.</p> <p>Recommendation: Having regard to the comments of the DPH it is recommended that an additional paragraph be added within Paragraph 14.0 (Other mechanisms for controlling cumulative impact) of the policy as follows:</p> <p>Insert at 14.2 (and subsequently amend other paragraph numbers) <i>"The Licensing Authority recognises that Safe Space has been running for over 5 years in the Cumulative Impact Area and was a recommendation of the Portsmouth Alcohol Strategy 2009-13. It is currently delivered by South Central Ambulance Service (SCAS). It was set up to provide a one stop shop in the City Centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department and subsequent admissions.</i></p> <p><i>The service is open from 22:00 until 03:00 hours Friday and Saturday nights and other key dates in the calendar year including New Year's Eve.</i></p> <p><i>In total a total of 473 people were seen by Safe Space, this number grew to 494 in 2016 and in the first quarter of 2017 (Jan - Mar) Safe Space</i></p>

<p>is down year on year;</p> <ul style="list-style-type: none"> • The number of violence offences (both DTE and NTE) has increased year on year; • Saturday remains the peak evening, the proportion of NTE violence that occurs on this day has increased year on year compared to other nights; • Friday remains the second busiest evening, the proportion of NTE violence that occurs on this day has actually decreased year on year (<i>the decrease appears to correlate to same amounts as the increase to Saturday's proportion of NTE The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours violence</i>); • The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE 		<p><i>treated 106 people for a wide range of injuries or conditions.</i></p> <p><i>During 2016, the most common recorded reason for attendance was "in drink" (152), this usually means that the individual is heavily intoxicated by drink and requires the most attention and management. The second highest complaint was injury (108) which was an accumulative of all types of injuries.</i></p>
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<p>zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours;</p> <ul style="list-style-type: none"> • The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones. 		
<p>Paragraph 22.30 (The Licensing Objectives - Protection of children from harm)</p> <p>The Licensing Authority will expect an applicant to be precise and clear about the measures proposed to be taken in relation to the protection of children from harm. Consideration should be given to the following matters:</p> <ul style="list-style-type: none"> • Frontline staff will receive adequate training with regard to age restricted sales, and that this has been properly documented. It is also expected that licence holders 	<p>The DPH has requested consideration be given to adapting the bullet point relating to training to be more specific as he considers at the moment it is open to interpretation.</p> <p>It is suggested that this bullet point be amended to the following:</p> <p>"Applicants shall ensure all frontline staff undertake training with regard to age restricted sales and the Licensing Act 2003 and that this has been properly documented. It is also expected that licence holders will ensure that all frontline staff receive refresher training every six months or where there is an identified need to do so.</p> <p>No member of staff should be permitted to sell alcohol until such time as they have successfully</p>	<p>The proposals as put forward by the DPH are considered appropriate to include, subject to minor amendment in relation to the proposal that no member of staff should be permitted to sell alcohol until such time as they have successfully completed this training.</p> <p>Recommendation: Having regard to the comments of the DPH it is recommended that additional wording be added within Paragraph 22.30 (The Licensing Objectives - Protection of children from harm) of the policy as follows:</p> <ul style="list-style-type: none"> • <i>Applicants shall ensure all frontline staff undertakes training with regard to age restricted sales and the Licensing Act 2003 and that this has been properly documented. It is also expected that licence holders will ensure that all</i>

<p>will ensure that all frontline staff receive refresher training, where there is an identified need to do so;</p> <ul style="list-style-type: none"> • Applicants and premises licence holders will be expected to take reasonable steps to prevent underage drinking and proxy sales of alcohol to children, both within the licensed premises itself and in the vicinity. 	<p>completed this training.</p> <p>It is recommended that training should cover the topics below as a minimum:</p> <ul style="list-style-type: none"> • Sale of alcohol to persons under 18 (penalties); • Age verification policies and acceptable forms of identification; • Signs of drunkenness and intoxication; • Recording refusals; • The Licensing Objectives. 	<p><i>frontline staff receive refresher training every six months or where there is an identified need to do so.</i></p> <p><i>It is recommended that no member of staff should be permitted to sell alcohol until such time as they have successfully completed this training.</i></p> <p><i>It is further recommended that training should cover the topics below as a minimum:</i></p> <ul style="list-style-type: none"> • <i>Sale of alcohol to persons under 18 (penalties);</i> • <i>Age verification policies and acceptable forms of identification;</i> • <i>Signs of drunkenness and intoxication;</i> • <i>Recording refusals;</i> • <i>The Licensing Objectives.</i>
<p>Paragraph 22.39 (Public Health)</p> <p>As stated in paragraph 22.32, the promotion of public health is not a licensing objective as set out in the Act. However, the Licensing Authority would seek to encourage and support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities.</p>	<p>The DPH requests consideration to add a caveat to the current paragraph around "Health" as a licensing objective, stating that if legislation were to change and health becomes a licensing objective, then the DPH would seek to limit the amount of new licences granted to off-sales and seek Cumulative Impact areas most affected by alcohol related health harm.</p> <p>The DPH strongly supports the principles outlined in the existing paragraph 22.39.</p> <p>The DPH recognises the value in well run and responsible Community Pubs and those with an offer other than alcohol, like food or entertainment. A shift in drinking patterns and consumption means most of the harm from alcohol is now driven by low cost "off" sales, not necessarily by sales in pubs. Also, the more</p>	<p>The request in relation to an additional caveat within the existing policy at paragraph 22.39 (Public Health) is not supported by your reporting officer. The Act as it stands makes no provision for health as a licensing objective. It would therefore be extremely high risk and leave the Licensing Authority open for legal challenge if it were to "pre-empt" within its policy what the Government may do in future both in terms of legislative changes and any associated guidance.</p> <p>The Licensing Authority cannot pre-judge what statutory provisions may be made in the future in relation to a fifth licensing objective and if such a statement were to be included in the policy which conflicted with the law and statutory guidance then the Licensing Authority would undoubtedly face a successful legal challenge.</p>

	<p>visible harms created by drunk and disorderly behaviour in the night-time economy are also increasingly driven by pre-loading cheap alcohol from shops and supermarkets.</p>	<p>If and when the Government considers it appropriate to amend the primary legislation to include a further licensing objective then the Licensing Authority will be able to review its policy as set out in paragraph 3.0 of its statement and will then be able to instigate a formal consultation process on any proposals to amend the policy to reflect those changes.</p> <p>Recommendation: That no changes are made to paragraph 22.39 (Public Health) in respect of the proposed caveat.</p> <p>Noting the DPH comments in relation to recognition of the value of well run and responsible Community Pubs (as well as the those comments made above in a similar context by BBPA - See above for recommendation to insert a further paragraph at 22.41 of the policy to reflect these comments.</p> <p>Recommendation: Licensing Authority to note comments and the addition of a further paragraph at 22.41 as set out above in the BBPA recommendations.</p>
<p>Paragraph 22.40 (Public Health)</p> <p>Such initiatives may include:</p> <ul style="list-style-type: none"> • Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans, (Note: this does not include premium, craft or specialist products as these are not a target for problem drinkers); • Taking steps to consider the display of alcohol in such a manner that will not unduly 	<p>In addition to the initiatives already mentioned, request that consideration be given to the following additions:</p> <ul style="list-style-type: none"> • The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated; <p>(This is one of many potential ways to challenge a culture of "pre-drinking" in which a growing number of people consume excessive amounts of shop-bought alcohol at home before going out).</p>	<p>Recommended: That having regard to the comments of the DPH, a further initiative be added to paragraph 22.40 (Public Health) as follows:</p> <ul style="list-style-type: none"> • <i>The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated;</i> <p>However, in relation to the second proposal for the adoption of a realistic local minimum unit price, your reporting officer does not support this addition to the policy.</p> <p>As the DPH mentions in his response, the issue of introducing local minimum unit pricing has been</p>

<p>encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising;</p> <ul style="list-style-type: none"> Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers). 	<ul style="list-style-type: none"> The adoption of a realistic local minimum unit price. <p>(The DPH would support minimum unit pricing (MUP) nationally as a means of tackling excessive alcohol consumption. Governments in the UK are still considering implementing a minimum unit price for the sale of alcohol, most likely 40-50p per unit. Scotland passed legislation to introduce a minimum unit price of 50p per unit, but the implementation of this has been held up by repeated legal delays from the alcohol industry.</p> <p>The DPH considers that the advantage of minimum pricing, and the reason some in the industry support it, as well as a vast array of health professionals, is that its impact is focused on high-risk drinkers and young people and has a very limited impact on "responsible" drinkers. Virtually all pub drinks and many shop-bought beers, wines and spirits would not be affected by a 50p threshold.</p> <p>The DPH states that Public Health would look more favourable on licence applications or businesses that pay cognisance to this potential development in responsible alcohol retailing, and recognises that businesses must act on their own to make these decisions and not collude on pricing.</p>	<p>introduced into licensing legislation in Scotland but since its inception, it has been continually challenged in the courts and to date still has not come into effect.</p> <p>The Government have, over the years since the Licensing Act came into effect, considered the possibility of such a parallel condition in England and Wales but have consistently decided against taking such action.</p> <p>Having regard to this background, it would be extremely unwise for the Licensing Authority to attempt to introduce any such local initiatives without the likely result of a successful, and expensive, legal challenge.</p> <p>There are in place existing controls in relation to pricing of alcohol by way of mandatory conditions on premises licences and club premises certificates both by way of irresponsible drinks promotions and alcohol minimum permitted price calculations.</p> <p>Those conditions are set out in Appendix D of the statement of licensing policy.</p> <p>Recommendation: That no changes are made to paragraph 22.40 (Public Health) in respect of the proposal for minimum unit pricing.</p>
<p>Paragraph 27.0 (Contact Details):</p> <p>Table of contact details for the Licensing Authority and other Responsible Authorities.</p>	<p>Updated contact details have been provided for inclusion in the table.</p>	<p>Recommendation: That those changes are noted.</p>

<p>New Appendix linking to Paragraphs 22.4 and 22.5 (The licensing process and applications)</p>	<p>The DPH would also like the Licensing Authority to consider adding a further appendix to the policy of maps showing alcohol related harm and licensed premises and information about Portsmouth.</p>	<p>At the time of preparing this report this information was not available as part of the formal response by the DPH. However, after discussions with Public Health, it is suggested that this information can be made available by Public Health as a separate document on the Council's website and that the statement of licensing policy can direct applicants to this comprehensive information.</p> <p>Recommended: That the Licensing Authority note the comments of DPH and amend paragraph 22.5 as follows:</p> <p>22.5 <i>The majority of information which applicants will require will be available within this statement of licensing policy. However, other publicly available sources which may be of use to applicants include:</i></p> <ul style="list-style-type: none"> • <i>The Crime Mapping website;</i> • <i>Neighbourhood Statistics websites;</i> • <i>Websites or publications by local responsible authorities;</i> • <i>Websites or publications by local voluntary schemes and initiatives;</i> • <i>On-line mapping tools; and</i> • <i>Any information made publicly available by Public Health to identify key facts in relation to alcohol related harm.</i>
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OMMISSIONS TO POLICY - Licensing Authority		
<p>Insertion of new paragraph (and renumbering of policy) (Entertainment Provision)</p>		<p>Whilst reviewing the draft policy your reporting officer identified an omission within the policy in respect of entertainment provision. The Statutory Guidance advises that reference to this topic should form part of the policy and therefore needs to be inserted.</p> <p>Recommended: That the following paragraph is inserted within the policy (together with appropriate renumbering of the statement):</p> <p><i>The Licensing Authority is committed to facilitating a broad range of entertainment provision within the city of Portsmouth for the enjoyment by a wide cross-section of the public. The Licensing Authority in wishing to offer such facilities recognises that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. The Licensing Authority is conscious of the risk that a licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors, and will therefore only seek to impose conditions, when representations are received, that will be proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.</i></p>