



Notice of meeting of

Gambling & Licensing Acts Committee

To: Councillors Sue Galloway (Chair), Ayre, D'Agorne, Funnell, Horton, Hyman, Looker, Merrett, Moore, Orrell, Pierce, Reid, Runciman, Taylor, B Watson and Wiseman (Vice-Chair)

Date: Friday, 5 June 2009

Time: 2.00 pm

Venue: The Guildhall

AGENDA

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 3 - 6)

To approve and sign the minutes of the meeting held on 5 December 2008

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Thursday 4 June at 5pm.

4. Selling Alcohol Responsibly - A Home (Pages 7 - 12) Office Consultation Document.

The purpose of this report is for members of the Gambling & Licensing Act Committee to examine the contents of the recently published Government consultation document – Selling Alcohol Responsibly. It also seeks Members views to enable Officers to complete the attached questionnaire.

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	GAMBLING & LICENSING ACTS COMMITTEE
DATE	5 DECEMBER 2008
PRESENT	COUNCILLORS ALEXANDER (CHAIR), SUE GALLOWAY, HYMAN, MERRETT, MOORE, ORRELL, REID AND TAYLOR
APOLOGIES	COUNCILLORS AYRE, CREGAN, D'AGORNE, FUNNELL, HORTON, RUNCIMAN AND WISEMAN

8. DECLARATIONS OF INTEREST

At this point in the meeting Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

9. MINUTES

That the minutes of the last meeting of the Committee held on Friday 3 October 2008 be approved and signed by the Chair as a correct record.

10. ALCOHOL HARM REDUCTION STRATEGY

Members considered a report which introduces the North Yorkshire and York Alcohol Harm Reduction Strategy 2008-2011 for discussion. In approving the minutes from the June Gambling and Licensing Act Committee Members asked for the strategy document to be circulated and requested further information regarding the performance of the PCTs alcohol treatment services.

Jane Mowatt from the Safer York Partnership attended the meeting to provide Members with information on alcohol issues specific to York. She advised Members that the national indicator related to hospital admissions for alcohol harm, not just Accident and Emergency admissions for alcohol related injuries on a Friday and Saturday night. She advised that currently there is no system in place at York Hospital to monitor and collate alcohol related admissions. The following difficulties were highlighted:

- Accident and Emergency records do not record if an injury was sustained whilst the individual was under the influence of alcohol. They record details of the injury only.
- In some cases it is dependant on the individual informing staff they were under the influence when an injury was sustained.
- York Hospitals Accident and Emergency department is extremely busy and if it began to collate figures on alcohol related admissions

it would need to be taken into account that many individuals admitted would not be York people. Visitors to the city and referrals from Leeds and other towns and cities would account for a significant number of alcohol related admissions to York Hospital.

A document titled North Yorkshire Local Area Agreement 2008/11 Relevant Alcohol Indicators was circulated to Members. The document showed that a number of authorities were collating information, but York was not listed. Members queried why York was not providing such figures. Officers advised that it depends on data collection methods and the various emergency services passing on their data. John Lacy, in attendance as a representative from Night Safe York advised that the Ambulance Service currently does not pass on any details to interested parties about where they are picking up people who are injured due to being under the influence of alcohol or suffering from the effects of too much alcohol. He advised that Night Safe are interested in obtaining data for domestic incidents as the trend for drinking at home rises.

Members queried why Cities such as Nottingham are able to produce accurate figures. Officers advised that as Nottingham has issues with gun crime there is more pressure and funding from Government for Nottingham to produce statistics.

Members expressed concern that there is a National Indicator that York is not collecting data for and suggested that Scrutiny look into the matter. Members agreed they would like to see a Scrutiny report into why no figures are available for York and would like to see progress towards some baseline figures being produced. Members noted that on page 17 of the Alcohol Harm Reduction Strategy, Crime and Disorder Reduction Partnerships (CDRPs) are required to produce a partnership plan for the area which sets out a strategy for the reduction of crime and disorder and combating substance misuse. The first annual review for this strategy is due in April 2009. Accordingly Members requested an update to this committee after April 2009 on any progress made in relation to the Alcohol Harm Reduction Strategy.

RESOLVED: (i) That the document be referred to the Health Scrutiny Committee with the Gambling and Licensing Acts Committees concerns.¹

(ii) That Members be provided with an update on any progress made in relation to the Alcohol Harm Reduction Strategy after April 2009.²

REASON: (i) Members have previously indicated their desire to consider this option.

(ii) To keep Members informed on any progress.

Action Required

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| 1. That the matter be referred to the Health Scrutiny Committee. | GR |
| 2. That a report be added to the work plan. | KS |

Councillor Alexander, Chair

[The meeting started at 2.00 pm and finished at 2.40 pm].

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Licensing and Gambling Acts Committee5th June 2009

Report of the Director of Neighbourhood Services

SELLING ALCOHOL RESPONSIBLY (MANDATORY AND DISCRETIONARY CODES) – A HOME OFFICE CONSULTATION DOCUMENT**Summary**

1. The purpose of this report is for members of the Licensing Committee to examine the contents of the recently published government consultation document – Selling Alcohol Responsibly. It also seeks member's views to enable officers to complete the attached questionnaire on the suggested codes and conditions and whether they meet the objective of reducing crime and disorder and making it safer for people to enjoy alcohol responsibly.

Background

2. On the 13th May 2009 the government published a consultation document 'Selling Alcohol Responsibly' detailing a mandatory national alcohol code and discretionary local alcohol code. It is expected following consultation for the codes to be implemented in the Policing and Crime Bill.
3. The full consultation document of 83 pages can be found at <http://www.homeoffice.gov.uk/about-us/haveyoursay/current-consultations/> and at Annex 1 to this report.
4. The report acknowledges that drinking alcohol plays a long standing and generally positive role in British culture and that pubs, bars and clubs are an important part of many people's social and family life and contributes valuable revenue to the economy.
5. The report seeks the Local Authorities views on a range of proposed mandatory licensing condition across England and Wales, on a series of proposed codes and conditions that could be applied by licensing authorities at local level, and on how they should operate. The consultation also seeks views on a proposed requirement to display alcohol information through the Food Safety Act.
6. The codes cover three sections;

- Mandatory licensing conditions and Food Safety Act requirements – conditions that would apply to all premises selling or supplying alcohol across England and Wales;
- Discretionary local licensing conditions – allowing local licensing authorities to apply chosen conditions to two or more licensed premises when there is evidence of a link to alcohol-related disorder; and
- Guidance- to make sure that the code of practice is implemented and enforced

7. Proposals for mandatory codes

- Banning promotions such as ‘all you can drink for £10’ speed drinking competitions and dentist’s chairs where alcohol is dispensed directly into the mouth of any customer.
- Ensuring all bars, pubs and clubs offer alcohol in both measures so customers have the choice between a single or double measure of spirits and a large or small glass of wine.
- Requiring alcohol retailers to display information about the unit contents of drinks and for supermarkets and convenience stores, the health impacts of alcohol under powers from the Food Safety Act.

8. Proposals for discretionary codes

- Restricting happy hours or ‘pub crawl’ promotions at particular times most associated with alcohol related crime and disorder
- Banning irresponsible bulk buy promotions where for example a consumer must buy more than one 24 pack of lager to obtain a discount to reduce the risk of people drinking excessive amounts of alcohol at home then going out already drunk and causing crime and disorder
- Requiring staff to operate a Challenge 21 policy where anyone who may look under 21 must produce proof of age to buy alcohol
- Requiring licensed door staff to conduct checks for weapons and drugs at times most associated with alcohol related crime and disorder
- Banning glass containers or ensuring glasses are collected at regular intervals to reduce the risk of violent incidents
- Ensuring that CCTV is in operation at times associated with alcohol-related crime and disorder
- Display information on the location of public transport links and taxi numbers to help people get home safely.

9. The government has decided not to proceed with any national or local

measures around minimin unit price, as it would punish unfairly the sensible majority of moderate and responsible drinkers. However the consultation commits to developing further the evidence base in this area.

10. In addition the consultation asks for views on whether banning retailers from selling alcohol at prices below the level of excise duty paid, plus VAT due, would further the government's objectives in tackling alcohol-related harms in a way that does not unduly affect the majority of responsible drinkers and retailers.

Options

11. Not applicable for information and part of a national consultation exercise.

Analysis

12. None

Corporate Priorities

13. The effective exercise of the licensing legislation and guidance notes ensures the licensing function will impact on the councils priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

14. **Financial**

None

15. **Human Resources (HR)**

None

16. **Equalities**

There are no equalities implications.

17. **Legal**

In carrying out its licensing functions, the Licensing Authority must have regard to any guidance issued by the Secretary of State. The Licensing Authority may, if it appears appropriate, depart from the Secretary of State's Guidance but would need justifiable and identified reasons for doing so in order to withstand a legal challenge.

18. **Crime and Disorder**

The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authorities responsibility to co-operate in the reduction of crime and disorder in the city.

19. **Information Technology (IT)**

There are no information technology implications.

20. **Property**

None.

21. **Other**

There are no other implications.

Risk Management

22. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

Recommendation

Members are recommended to;

- Note the contents of this report and the published mandatory and discretionary codes as outlined in the government published document – Selling Alcohol Responsibly
- To advise officers in the response to the new codes of practice.

Contact Details

Author:

John Lacy
Licensing Manager
Neighbourhood Services
Tel: 01904 551593

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
(Neighbourhood Services)

Report Approved **Date** 18th May 2009

Specialist Implication Officer

Martin Blythe
Tel 01904 551044

Wards Affected:

All

For further information please contact the author of the report

Background Papers

The Licensing Act 2003.

The Department for Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003.

Annexes

Annex 1: Home Office publications Safe. Sensible. Social -Selling Alcohol Responsibly: A consultation on the new code of practice for alcohol retailers

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