

## **Appendix B**

### **City Services Scrutiny Panel Spotlight Policy Review 2013 – 2014**

#### **Alcohol and Licensing in Sunderland Draft Report**

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## **1 Foreword from the Scrutiny Lead Member for City Services**

It gives me great pleasure to introduce the City Services Scrutiny Panel's policy review into Alcohol and Licensing in Sunderland.

At the start of the year, when the Scrutiny Committee was considering the range of issues it wished to examine, the Panel was asked to undertake a brief spotlight review into Alcohol and Licensing in Sunderland.

The Panel's review has focused on operation of licensing policy in Sunderland and the new powers available to the council under recent licensing legislation and the extent to which the council may wish to exercise those powers.

In presenting our findings, the Panel considers that it is important to bear in mind that the majority of drinkers consume alcohol in a responsible manner and that it would be wrong and counter-productive for the Council to approach licensing policy in a high handed and draconian manner.

It is also vital to recognise the important role of well run pubs and clubs in the fabric of social life and as part of a vibrant city centre. The council and its partners have an important role in promoting the livelihood of the licensed trade and the contribution it makes to the city economy.

However, the Panel do have a number of concerns relating to the low price of alcohol in many of the city's supermarkets and off licences, its increasingly widespread availability and the use of inappropriate marketing and promotions often aimed at the young. There is strong evidence to suggest that this can encourage severe alcohol misuse which in turn can lead to long term harm. There is also evidence to suggest cheap alcohol can encourage both pre-loading and binge drinking which are associated with increases in alcohol-related violence.

Clearly, the misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors which are largely outside of local authority control. However, licensing policy is one of the tools that can have a direct impact and just as importantly send out a message to the public.

In conclusion, I would like to thank my colleagues on the City Services Scrutiny Panel and all of the officers and staff involved for their hard work during the course of the review and thank them for their valuable contribution.

Councillor Stephen Bonallie, Lead Scrutiny Member for City Services

## **2 Introduction**

- 2.1 In 2010/11, the Community and Safer City Scrutiny Committee conducted a policy review into Alcohol, Violence and the Night Time Economy. This was a broad ranging review that looked in detail at the relationship between alcohol and violent crime and the action being taken by the Council and the Safer Sunderland Partnership.
- 2.2 During the review, the Committee highlighted the potential implications of the Police Reform and Social Responsibility Act 2011 on licensing policy and alcohol consumption in the city. As the Act had at that stage yet to be introduced, the Committee suggested that this issue be monitored and revisited in more detail at a later date. In view of the on-going public concern regarding the effects of excessive alcohol consumption, the Panel considered that it would now be a good time to review this issue.
- 2.3 It should be stressed that it was not the intention of the Panel to duplicate the work undertaken by the Community and Safer City Scrutiny Committee. Instead, the Panel has focused on the new licensing powers made available by the Act and their applicability for the situation in Sunderland.
- 2.4 Nevertheless, the Panel has taken the opportunity to briefly review the impact of alcohol on health, crime and public safety in Sunderland in order to obtain a clearer understanding of the challenges faced by the city.

## **3 Aim of the Review**

- 3.1 To examine the operation of licensing policy in Sunderland and the new powers available to the council under recent licensing legislation.

## **4 Terms of Reference**

- 4.1 The Panel agreed the following terms of reference for the review:-
  - (a) the national and local context to licensing policy;
  - (b) the range of powers available to the local authority in relation to licensing legislation;
  - (c) the extent and areas in which the council may wish to exercise those powers;
  - (d) whether the council's approach to the exercise of licensing powers needs to be modified to meet the aspirations of the city.

## **5 Membership of the Panel**

- 5.1 The membership of the City Services Scrutiny Panel consisted of Councillors Stephen Bonallie (Lead Member), Michael Essl, Stephen Foster, Neville Padgett, Stuart Porthouse, Lynda Scanlan, Dianne Snowdon, Amy Wilson.

## **6 Methods of Investigation**

6.1 The following methods of investigation were used for the review:

- (a) Desktop Research
- (b) Use of secondary research e.g. surveys and questionnaires;
- (c) Evidence from relevant Council officers and key stakeholders.

## **7 Findings of the Review**

Findings relate to the main themes raised during the Panel's investigations and evidence gathering.

### **7.1 Licensing of Alcohol – Current Legislation**

7.1.1 The Panel was informed of the development and operation of the licensing regime in Sunderland, including the two key pieces of government legislation; the Licensing Act 2003 and Police Reform and Social Responsibility Act 2011.

#### *Licensing Act 2003*

7.1.2 The Licensing Act 2003 transferred responsibility for issuing licenses from Magistrates to local authorities and established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol.

7.1.3 The Act represented an attempt to liberalise the licensing system, promote a more vibrant evening economy and redress the problems of disorder associated with the standardised closing time. Key measures included:-

- abolishing set licensing hours in England and Wales, with the potential for up to 24 hour opening, seven days a week;
- decisions to be subject to consideration of their impact on local residents, businesses, and the expert opinion of a range of authorities in relation to the licensing objectives;
- a new system of personal licences relating to the supply of alcohol to enable holders to move more freely between premises; and
- any person or responsible authority being able to apply to the licensing authority for a review of an existing premises licence, with the aim of amending its conditions or revoking it entirely.

7.1.4 As part of the Act, licensing authorities were expected to promote the statutory licensing objectives of preventing crime and disorder; preventing public nuisance; public safety; and protecting children from harm.

7.1.5 However, licensing authorities were also expected to grant licence applications unless there was a well-founded and evidenced objection based on the above. In practice such objections have often proved difficult to evidence with the legislation effectively weighted toward the applicant.

7.1.6 The 2003 Act also required a licensing authority to publish a statement of their licensing policy on a minimum of a five year period. Sunderland's most recent statement was made in January 2010, meaning another will need to be published by January 2016.

#### *Police Reform and Social Responsibility Act 2011*

7.1.7 In April 2012, the Government introduced the Police Reform and Social Responsibility Act 2011 amid concerns over the levels of alcohol related crime and binge drinking in our city centres.

7.1.8 The Act effectively overhauled the provisions of the Licensing Act 2003. The Government's stated intention was to balance licensing policy more in favour of local communities. The new measures were designed to give the police and licensing authorities more powers to tackle the irresponsible premises and crack down on sales of alcohol to children.

7.1.9 Measures contained in the Act include:-

- Doubling the fine for persistent underage sales to £20,000 and making it easier to shut down businesses found to be culpable. Also increasing the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours;
- Empowering licensing authorities to introduce a Late Night Levy so that businesses trading late contribute to policing costs;
- Providing stronger powers to remove or refuse to grant licences to premises that are causing problems without having to wait for the police or another responsible authority;
- Empowering licensing authorities to introduce Early Morning Alcohol Restriction Orders which enable local areas to restrict alcohol sales late at night where they cause problems;
- Stronger powers through licensing to control density of licensed premises;
- Reducing the evidential requirement placed upon licensing authorities when making their decisions;
- Removing the vicinity test for licensing representations to allow more people to comment on alcohol licences; and
- Health bodies being made responsible authorities so that they are automatically notified about new premises applications and can make representations, although these must be relevant to the existing statutory licensing objectives.

7.1.10 The introduction of the Act was accompanied by the Government's Alcohol Strategy published in March 2012. Again this focused on greater powers for local areas to tackle alcohol-related issues. The Strategy also emphasised the importance of securing the support of the alcohol industry, including plans to build on the Public Health Responsibility Deal. The Responsibility Deal, which was launched in March 2011, is a voluntary partnership for businesses and influential organisations to work collaboratively to improve public health.

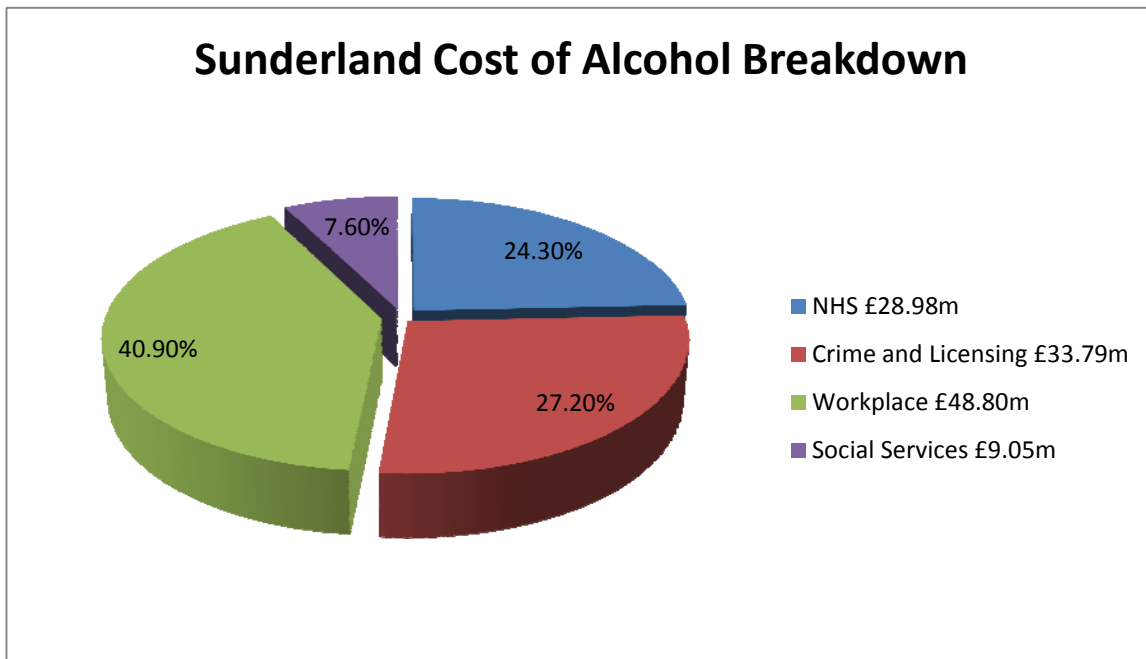
7.1.11 The Strategy also called for the introduction of a Minimum Unit Price (MUP). However, following lobbying from the alcohol industry this was not introduced on the grounds that such a move required a clearer evidential base.

7.1.12 The Strategy also referred to the important role of the new Police and Crime Commissioners in raising alcohol related crime as a priority and the

importance of partnership working between police, local authorities, the licensing trade and health.

## 7.2 The Cost of Alcohol to Sunderland

7.2.1 The Panel considered it important to obtain an overview of the cost of alcohol misuse to the people of Sunderland. Research conducted by Balance indicates that in 2012/13, the cost of alcohol misuse in Sunderland totalled almost £120m. The table below shows the cost in terms of a breakdown between the NHS, Crime and Licensing, the Workplace and Social Services:-.



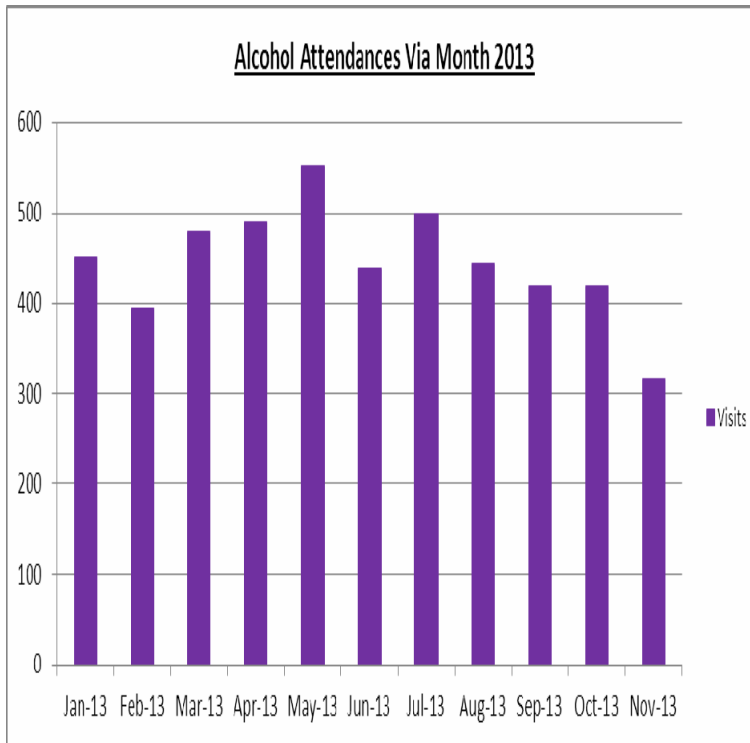
7.2.2 Annually, this represents a cost to each resident of £433; higher than the north east average of £419 and the national average of £402.

### *Health*

7.2.3 Economic costs are not the only concern. There is also the serious cost in terms of the health and well-being of individuals and families. At a local level, Sunderland has some of the most worrying trends regarding alcohol related harm in the country; including higher than average numbers of alcohol specific and related mortalities and alcohol specific and attributable hospital admissions for men, women and under 18 year olds. Furthermore, alcohol harm is also connected to health inequalities with people on lower incomes suffering a greater risk than those on higher incomes.

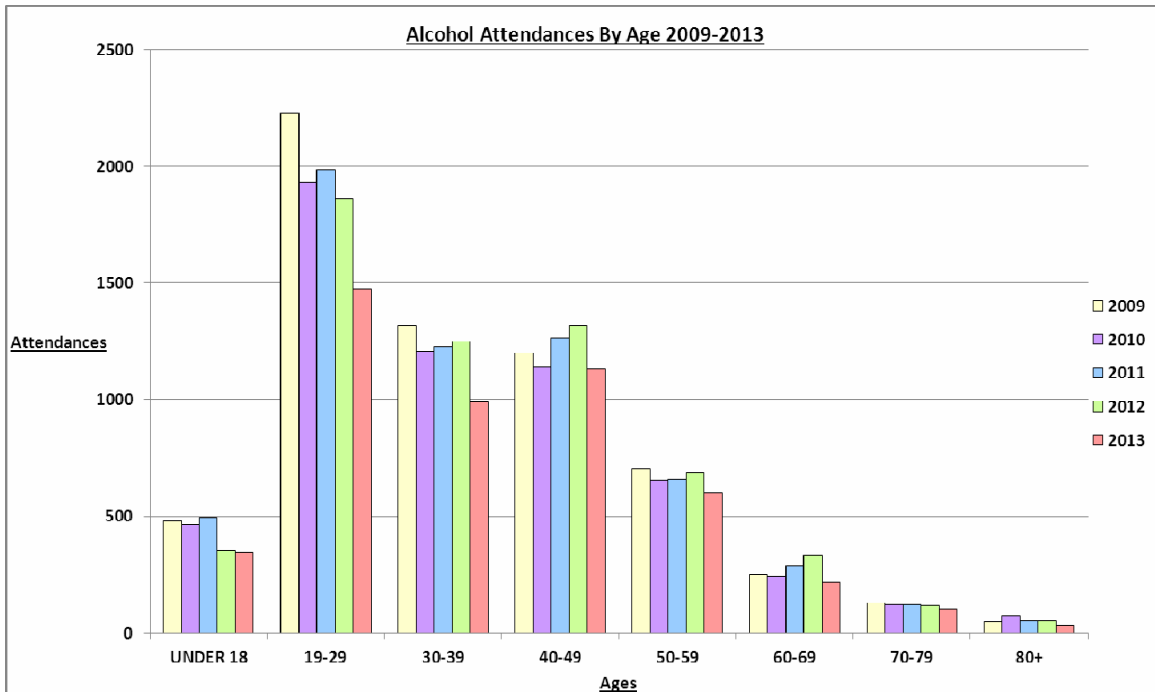
7.2.4 Statistics provided by Balance show that on average there have been 44 alcohol related deaths per year since 2001, with death rates in Sunderland higher than those for the North East. Mortality rates for chronic liver disease are increasing and years of life lost through drink are higher than the national average.

7.2.5 Dr Kate Lambert, Consultant in Emergency Medicine (City Hospitals) outlined to the Panel the impact that of alcohol related attendances on the hospital and provided the latest us with the latest figures for 2013.



7.2.6 Dr Lambert, noted that while there has been a decline in the number of young people attending hospitals, there has been a rise in the 20-30yrs age bracket of both sexes. While alcohol consumption peaked in 2005 it is still at high level with a small number of people drinking increasing amounts of alcohol and causing themselves considerable long term harm. Alcohol attendances across age groups are set out below:-

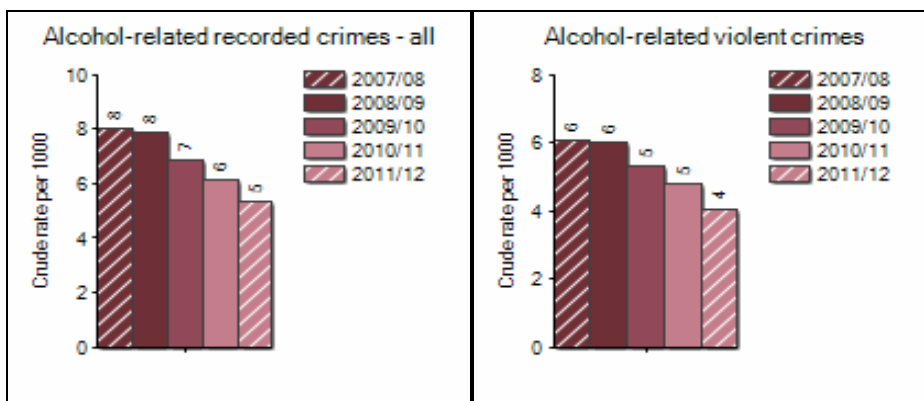




7.2.7 Dr Lambert referred to the important work of Turning Point who are based in the A&E and can discuss with patients their level of alcohol use to determine whether an assessment or brief intervention is needed.

*Crime and Disorder*

7.2.8 The Community and Safer City Scrutiny Committee report into Alcohol Violence and the Night Time Economy examined in detail the link between alcohol and crime and disorder in Sunderland and it is not the intention of this report to go into further detail. Suffice to say that, though as a city we have seen a fall in the overall rate of crime, the issue of alcohol-related violent crime remains a major issue as demonstrated with data Local Alcohol Profiles England (LAPE).



7.2.9 The Panel heard from Chief Inspector Jerry Pearson on the relationship between alcohol and crime and disorder. It was considered that while there were generally few major crime and disorder issues in the city centre on an evening, there were lower level disorder issues and anti-social behaviour associated with alcohol misuse that affected both the city centre and a number of public areas.

7.2.10 C.I. Pearson highlighted the influence that binge drinking can have on the likelihood of a person both becoming aggressive and being a victim of crime. Pre-loading – the drinking of cheap alcohol at home before going out to pubs and clubs - was also seen to be associated with higher overall alcohol intake and a factor in crime and disorder offences.

7.2.11 Since the change in licensing hours, the Police had noticed that people tended to start drinking later in the night with the city centre only filling up around midnight on a weekend. While there has been no overall increase in crime there has been an increase between the hours of 3.00am and 6.00am; indicating that that problems of disorder have moved to later in the evening. Overall, the Police were in favour of returning to fixed licensing hours of the past.

7.2.12 Inspector Mick Hall confirmed that Police are proactive in targeting areas known for street drinking but they also tried to avoid moving the problem to areas that were less safe for the young people involved.

### **7.3 Challenges Facing the City**

7.3.1 After looking at the cost to health and wellbeing posed by alcohol misuse, the Panel looked at the main challenges facing the city, namely:

- the low cost of alcohol;
- widespread availability of alcohol; and
- the marketing of alcohol

#### *Low Cost of Alcohol*

7.3.2 The Panel was informed that there existed strong evidence that an increase in the unit price of alcohol could lead to a reduction in demand and thereby a corresponding reduction in harm. It is the view of the Panel that the major problem lies with the sale of very cheap alcohol in many supermarkets and off licences, the use of loss leaders and promotions and the availability of super strength lagers and ciders which are cheap but very high in alcohol content.

7.3.3 Despite their previous commitment to introduce a Minimum Unit Price (MUP) for alcohol and stating they were consulting purely on the cost per unit, the Government has announced they are to delay the implementation of MUP until there is further empirical evidence to support it. The Government instead intends to introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty for a product plus 'VAT'. Balance referred to recent

studies in Canada that have demonstrated the positive impact a MUP has had in reducing the number of alcohol related deaths.

- 7.3.4 Balance also expressed concern that the Government has also decided not to introduce a ban on multi-buy promotions such as three bottles of wine for £10 as they consider evidence is not available to suggest this would significantly reduce consumption. Again, research indicates that such promotions can have a big impact on levels of alcohol consumption.
- 7.3.5 The Panel noted that the low cost of alcohol is less of a problem in pubs who would be mostly unaffected by the introduction of a Minimum Unit Price. However, it would be wrong to ignore some of the irresponsible promotions carried out by those pubs and clubs offering cheap drink targeted at young people.
- 7.3.6 The Panel was informed of attempts by Association of Greater Manchester Authorities to use licensing powers to make it illegal to sell alcohol below a certain unit price though this has been blocked through legal challenge.
- 7.3.7 The Panel heard that a minimum 40 pence unit price for alcohol would not affect the price of a pint sold in the city's pubs or clubs but would deter the sale of strong beers and lagers at low prices in some of the supermarkets and off licences.
- 7.3.8 Clearly, at the present time there is a limited amount that can be done on MUP by the local authority other than lobby the Government. However, it is important that the situation be monitored and regularly reviewed.

#### *Accessibility and Availability of Alcohol*

- 7.3.9 The Licensing Act 2003 represented a liberalisation of the country's licensing laws and a central tenant of the Act was that new licensing authorities were expected to grant licence applications unless there was a well-founded and evidenced objection.
- 7.3.10 The new licensing law therefore made it easier to get a licence and, as a result, we have seen a proliferation of outlets selling alcohol across the city. Nonnie Crawford, Director of Public Health referred to the clear relationship that exists between the increased number and density of alcohol outlets and alcohol consumption in adults and young people. The evidence shows that increases in the density of alcohol outlets tend to be associated with not only an increase in alcohol consumption, but also alcohol-related crime and violence and under 18 alcohol specific hospital admissions. It was the Director's view that alcohol was now too easy to access and that the number of outlets in the city had reached a virtual saturation point and that the city needed to think long and hard as to whether a limit had now been reached.
- 7.3.11 Balance also referred to the Government's decision to introduce one new, light touch authorisation called a Community and Ancillary Sellers Notice (CAN). This will provide ancillary sellers, such as hairdressers, beauty salons

and gift shops and community groups with a cheaper, simpler and easier alternative to either a full premises licence or using multiple Temporary Event Notices (TENs). No application or hearing process will be required for applicants. Instead, CAN users will just need to notify their licensing authority, alongside payment of a small fee, that they will be selling a small amount of alcohol over the course of a year. This will make it significantly easier for ancillary sellers to provide alcohol as part of their business, but also makes alcohol even more readily available than before.

7.3.12 It is the view of Balance that the commitment from the Government to reduce the “red tape” for businesses in areas such as ancillary sales, means there will be further opportunities to increase the availability of alcohol and with reduced means by which it can be controlled.

7.3.13 The Government has also consulted on lifting restrictions on the sale of alcohol at motorway service areas (MSAs), which has caused many significant concerns, particularly around the encouragement of drink-driving. The Panel expressed concern at the prospect of restrictions being lifted further and alcohol being more readily available on motor ways, sending confusing and contradictory messages to the public on the safety of drink-driving.

7.3.14 The UK is also seeing new means of accessing alcohol that make it difficult to control and enforce. Balance referred to recent research from Alcohol Concern Cymru which showed 15% of their research sample of 14-17 year olds, who had previously bought or attempted to buy alcohol for themselves or someone else, had been successful in buying alcohol online, and over two thirds of these said they find it “easy” to do so. Similarly, 13 per cent said they have successfully bought alcohol by telephone from a home delivery service, and again over two thirds of these said it was “easy” to do so. Both online and telephone alcohol delivery services were chosen by many because they regarded them as easy ways to bypass age verification checks, and as a quick and convenient way of acquiring alcohol.

7.3.15 In order to combat this problem, many areas were reviewing their licensing policy in relation to the home delivery of alcohol through services such as ‘dial a drink’ and take aways who deliver alcohol alongside food. Gateshead Council has recently successfully opposed an application to allow a take away pizza shop to deliver alcohol alongside their food and Newcastle Council, as part of its Licensing Policy has stated the Licensing Authority considers that it will normally be inappropriate to grant an alcohol licence at premises which are principally used as a take away.

7.3.16 The Panel expressed its concerns at the potential ease with which young people in particular can access alcohol. It is important to review the avenues for tightening licensing policy in this area.

#### *Marketing of Alcohol*

7.3.17 During the review, the Panel heard that there was an established link between advertising and consumption of alcohol, particularly among those less than 18 years old. The Panel saw the marketing of alcohol as being associated with fun, success and attractiveness, making no reference to the potential effect on health and wellbeing. As a result we are in danger of sending out mixed messages to young people.

7.3.18 In supermarkets there is frequent use of multi sale promotions that effectively encourage the purchaser to buy and consume more alcohol than they originally intended. Alcohol offers are often prominently displayed in shops and at the end of aisles and made as accessible as possible.

7.3.19 The Panel considers that there is a pressing need to promote a more responsible and balanced image. In particular there is a need for greater action by the alcohol industry to make greater progress on sale, marketing and promotion of alcohol.

#### **7.4 New Powers Available to Licensing Authorities**

7.4.1 The Panel took evidence to gain more detail on the range of new licensing powers available and the use being made of existing licensing legislation. It also took the opportunity to consider the increased influence of health issues as a factor in determining licensing applications and the potential for greater partnership working.

##### *Late Night Levy*

7.4.2 The aim of a Late Night Levy is to allow local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. This power was made available from October 2012 and covers the whole of the licensing authority's area. The licensing authority does have the power to choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply. Potential exemptions from a Late Night Levy include premises within a Business Improvement District (BID), those with overnight accommodation, bingo halls and theatres and cinemas.

7.4.3 The amount charged for a late night levy has been set at a national level and is calculated according to rateable value. This system applies to the existing licence fee and the levy charge is intended to be collected alongside the annual licence fee. The rate of a levy per premises depends upon rateable values and ranges from £299 to £1493. Licensing authorities have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme, or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000. For those areas which have high rateable values and a high number of licensed premises operating between the hours of midnight and 6am, there is potential to generate significant funds through the introduction of a levy. The monies generated are intended to be split on a 70/30 basis between the areas' Police and Crime

Commissioner and the licensing authority and can be spent on tackling alcohol-related crime and problems associated with the night time economy.

- 7.4.4 Balance referred to the example of Newcastle City Council which became the first in the country to introduce a Late Night Levy. The Council also introduced a best practice scheme to stand alongside their levy and a 30% reduction for successful applicants. They estimate given the high number of licensed premises operating during midnight and 6am in the city, the levy will generate between £300k to £400k to be split between the police and council. Other areas currently consulting on the introduction of a levy include York City Council and the London Borough of Islington.
- 7.4.5 The Panel questioned whether the introduction of a late night levy would be suited to the particular needs and circumstances in Sunderland. Such a levy could have the potential to detrimentally affect pubs and clubs in Sunderland many of whom already face stringent economic circumstances. The Panel was also conscious of the Business Improvement District for the city centre, which would potentially limit the number of premises the Levy could be applied to.
- 7.4.6 In these circumstances the Panel would suggest that the introduction of a Late Night Levy would not be an appropriate measure for Sunderland but that the situation continues to be monitored.

#### *Early Morning Restriction Orders*

- 7.4.7 Early Morning Restriction Orders (EMROs) are a power made available for licensing authorities from October 2012. They are intended to enable licensing authorities to restrict sales of alcohol in the whole, or a part of, their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. In practice this means a licensing authority can use local evidence to determine where an EMRO should be applied, for example if data suggests alcohol-related crime and disorder is occurring within only a few streets and is only problematic between specific hours. If introduced it would be applicable to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period only. This reduces the need for a blanket ban on sales in other areas where there is no crime and disorder.
- 7.4.8 During consideration of this issue it was noted that EMRO's were an untested power as each authority proposing an EMRO to date has not proceeded with their implementation. Balance updated the situation with regard to a number of other authorities:-
- Hartlepool Borough Council was the first in the country to consult and hold a hearing on the potential introduction of an EMRO. Despite initial evidence for a need for an EMRO in the town, it was felt following consultation, the evidence was not strong enough to warrant proceeding with the process and it was suggested the premises may instead wish to

pursue other opportunities to improve their night time economy, such as the introduction of a Best Bar None Scheme.

- The Police have also requested an EMRO in other authorities such as Northampton and Manchester. However despite significant evidence for the need for an EMRO, it has been decided they are not appropriate for these localities. Much of the concern and representations made as part of the consultation process has focussed on the negative impact an EMRO would have on local businesses if they had to close at a terminus hour, for example at 3am. Whilst the impact on local business is not a licensing objective, it is mentioned in EMRO guidance and appears to be impacting upon their implementation.

7.4.9 Clearly, the legal situation and the evidential base required for the success of an EMRO in the face of a challenge is open to doubt. It is also far from clear as to whether there is a need for an EMRO in Sunderland. The Panel would however suggest that further work be undertaken to determine its applicability for the city.

#### *Cumulative Impact Policy*

7.4.10 The Licensing Act 2003 allows a licensing authority to consider the introduction of a Cumulative Impact Policy (CIP) if a large concentration of licensed premises in any area is impacting upon crime and disorder or public safety. If there is sufficient evidence and following consultation, this area can be determined to be a Cumulative Impact Area (CIA). This indicates that the licensing authority intends to restrict the introduction of new premises or extensions to current licences in the designated area.

7.4.11 Balance informed the Panel of several examples from across the region of Cumulative Impact Policies. Newcastle City Council, as part of its licensing policy review, has recently consulted on and agreed to extend CIAs which now cover the city centre, Jesmond, Gosforth, Chillingham Road and Ouseburn to include all pubs, off licences and take aways in these areas. They have also agreed to introduce a further three CIA's for off licences in Elswick, Benwell and Scotswood and Shields Road in Byker.

7.4.12 A Cumulative Impact Policy can set out the operating hours that the licensing authority would expect premises to work within and licensees would not be able to assume that longer opening hours will be available in the designated area

7.4.13 However, central to the establishment of any CIP is the need for a rigorous evidence base in order to know what effect drinking is having on a particular area, which in practice can be difficult and resource intensive to compile.

7.4.14 One of the key sources of information may come from Accident and Emergency statistics. Dr Kate Lambert informed the Panel that the hospital was now compiling statistics which would improve our understanding of the link between alcohol and health in a particular locality. This included

information on the date, location and type of incident involved which could be shared with other agencies such as the licensing authority and potentially provide an evidenced and objective measure of community violence and disorder in a particular area. For example, local health bodies will potentially be able instigate a review of a licence if A &E is regularly dealing with patients as a result of violence at a particular pub.

7.4.15 The system was based on the Cardiff Model which looked into the effects of alcohol upon the night time economy, and also studied the numbers of alcohol related assaults which present to Accident and Emergency Departments. In Cardiff this has seen a sustained reduction in violence of up to 40%.

7.4.16 The Panel consider that Cumulative Impact Policies represent a potential tool for dealing with a large concentration of licensed premises in any area that is impacting upon crime and disorder or public safety. It suggests that further work be undertaken between partners to determine their applicability for the city and whether robust data base can be developed.

#### *Role of Health in Licensing*

7.4.17 The Police Reform and Social Responsibility Act 2011 provides for an increased role for health in the licensing of alcohol. Whilst the Government, following consultation, has not made health a licensing objective, health are now a responsible authority and as such can actively contribute to the licensing agenda.

7.4.18 As public health is now a function of local authorities, there is an opportunity to enhance closer working relationships between public health and licensing colleagues / committees to ensure it is fully aware of how and why it should contribute to this agenda.

7.4.19 The Panel welcomes this approach which places the issue of licensing firmly in the realm of its contribution to the health and wellbeing of the public.

#### *Partnership Working*

7.4.20 During the review, the Panel was impressed by the level of partnership working at a city wide and regional level. The problem of alcohol misuse is a complex issue which will only be tackled by a variety of agencies working together in order to maximise the powers and resources available.

7.4.21 It is not only with other agencies that the Council must work in partnership. It is also important that the Council works with local residents and seeks to achieve greater community involvement in local licensing decisions. Local residents and the community have the right to object to licences but only objections based on sound evidence are likely to have any impact upon licensing decisions. Many residents may not be aware of this. The Panel considers that the Council has an important role in raising public awareness of the legal situation.



## **7.5 Supporting the Alcohol Industry to Improve**

- 7.5.1 The Council's Trading Standards Team already do a considerable amount of work behind the scenes in working with the off licence trade to develop good practice. The Panel thinks that it is crucial for the Council to continue to work closely with the licensed premises to improve standards.
- 7.5.2 A central theme of Government policy on alcohol is the important role of the alcohol industry itself in self-regulating and developing a responsible approach to the sale, promotion and marketing of alcohol. The industry has also pledged to fund arm's length education programmes for young people to better navigate the mixed messages sent out about alcohol and tackle the issue of online access to alcohol by young people.
- 7.5.3 The Panel was informed of the development of the Best Bar None (BBN) scheme which promotes the responsible management of alcohol licensed premises. The aim of BBN is to reduce alcohol related crime and disorder by building a positive relationship between the licensed trade, police and local authorities, as well as improving the knowledge and skills of enforcement and regulation industries, licensees and bar staff.
- 7.5.4 The process for Best Bar None includes assessing venues that have entered the scheme against a variety of categories which include how they manage the internal and external environment of the premises, their drink and drugs policy, crime prevention and emergency procedures.
- 7.5.5 It was considered that whilst these schemes can be costly to operate, they have shown great outcomes.

### *Pubwatch*

- 7.5.6 As another example of self-regulation within the alcohol industry, the Panel met with Elaine Griffiths Chair of Sunderland Pubwatch to obtain her view on the issue of licensing and alcohol in the city.
- 7.5.7 Pubwatch was originally set up in 1997 with the aim of promoting safety for customers, staff and the local community. Pubwatch members meet regularly with the Police, City Centre Management, City Council and Apex to discuss ways of improving safety and sharing of information. It was felt that the rapid growth of the scheme also shows the value placed on Pubwatch by both the licensed trade and the Police.
- 7.5.8 The Panel referred to the potential for membership of PubWatch to be made compulsory as part of the licensing regime in order to broaden its scope and encourage self-regulation.

## 8 Conclusion

- 8.1 The Panel considers that it is important to bear in mind that the majority of drinkers consume alcohol in a responsible manner and that it would be wrong and counter-productive for the Council to approach licensing policy in a high handed and draconian manner.
- 8.2 It is also vital to recognise the important role of well run pubs and clubs in the fabric of social life and as part of a vibrant city centre. The council and its partners should help to promote the livelihood of the licensed trade and contribution it makes to the city economy.
- 8.3 There is a danger to overdramatise the crime and disorder issues in the city centre on a weekend as has often occurred in the national TV and Press.
- 8.4 The Panel also deems it essential to tailor our approach to the particular situation in Sunderland. Different areas of the country such as Blackpool and Newcastle will inevitably face different challenges. Nor does the Panel think that it is possible or desirable to “turn back the clock” and reverse the changes that have been made to licensing hours and the liberalisation of alcohol licensing.
- 8.5 However, the Panel does have a number of concerns relating to the low price of alcohol in many of the city’s supermarkets and off licences, its increasingly widespread availability and the use of inappropriate marketing and promotions often aimed at the young. There is strong evidence to suggest that this can encourage severe alcohol misuse which in turn can lead to long term harm. There is also evidence to suggest cheap alcohol can encourage both pre-loading and binge drinking which are associated with increases in alcohol-related violence.
- 8.6 Clearly, the misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors which are largely outside of local authority control. However, licensing policy is one of the tools that can have a direct impact and just as importantly send out a message to the public.
- 8.7 As part of the review, the Panel looked at the potential use and applicability of tools such as Cumulative Impact Policies, the Late Night Levy and Early Morning Restriction Orders. We also note that a number of these policies are subject to legal challenge and it will be important to monitor the outcome.
- 8.8 The Panel considers that the success of licensing policy will greatly depend on the quality of information available. Information is a powerful tool in tackling alcohol-related problems and we need to strengthen data sharing within local partnerships, in particular between crime and health agencies and the licensing authority.
- 8.9 Information provided by Accident and Emergency can help to ensure that health issues are given greater role in the consideration of licensing

processes. This should allow the licensing authority to take wider alcohol related health harm into account when developing new policies.

- 8.10 The Panel would also emphasise the value of good partnership working in order to focus and coordinate efforts of local agencies, industry and the voluntary sector. The Council and its partners need to work closely with pubs and encourage self-regulation. Schemes such as Pubwatch can help ensure that we marry the encouragement of the night time economy with the tackling of excessive drinking and attendant issues of crime and disorder.
- 8.11 There is also an important role for local agencies such as the Health and Wellbeing Boards, the Police and Crime Commissioner and organisations such as Balance to take the lead and promote issues relating to alcohol misuse.
- 8.12 But perhaps most importantly we need, as a society, to develop a more mature and sensible approach to alcohol. The misuse of alcohol and its associated problems is a complex issue involving a wide range of social and cultural factors. Largely these are outside of local authority control. However, the local authority does have some influence – and one of those areas is in its licensing policy. It is for this reason that the Panel sees the use of its licensing powers as an important tool in tackling many of the issues associated with excessive drinking.

## 9 Recommendations

9.1 The Panel's recommendations are as outlined below:-

- (a) That further work be undertaken to assess evidence from Accident and Emergency in order to identify any areas of the city that may demonstrate a link between the level of crime and disorder and the number of licenced premises;
- (b) That the Council, in consultation with partners, considers whether there is any evidence of a need for a Cumulative Impact Policy in any part of the city;
- (d) That the Council investigates the activities of premises selling takeaway food in relation to the delivery of alcohol with a view to obtaining evidence which may inform future licensing decisions;
- (e) That the Council, at the next revision of the Licensing Policy Statement, includes a model condition which would require an alcohol licensee to be a member of a relevant Pubwatch Scheme;
- (f) That the introduction of a voluntary agreement with licensed premises for a suitable closing hour be explored firstly with partners and then, if necessary, with the relevant Pubwatch scheme in any appropriate areas of the City;
- (g) that the Council lobbies central government to introduce measures to tackle the low unit cost of alcohol sold in many supermarkets and other off licensed premises, which can lead to the excessive consumption of alcohol and associated harm to health, and the disparity in cost with alcohol sold at on-licensed premises where alcohol consumption occurs in a regulated environment;
- (h) That the Place Boards receive information on licensing law in order to facilitate the assistance of residents in pursuing their rights to apply for the review by the Council of the licences of premises that they feel create problems for the community .

## **10. Acknowledgements**

10.1 The Panel is grateful to all those who have presented evidence during the course of our review. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

- (a) Les Clark - Head of Street Scene;
- (b) Tom Terrett - Assistant Head of Street Scene
- (c) Nonnie Crawford - Director of Public Health;
- (d) Richard Reading - Trading Standards and Licensing Manager;
- (e) Dr Kate Lambert - Consultant in Emergency Medicine, City Hospitals;
- (f) CI Jerry Pearson – Northumbria Police;
- (g) Inspector Mick Hall – Northumbria Police
- (h) Jan Van Wagtendonk - Independent Chair of Sunderland Safeguarding Board;
- (i) Elaine Griffiths - Chairperson of Sunderland City Centre Pub Watch;
- (j) Sue Robinson – Balance Crime and Disorder Manager (North East Public Protection Partnership);
- (k) Leanne Davis – Balance Regional Coordinator (North East Public Protection Partnership)

## **11 Background Papers**

11.1 The following background papers were consulted or referred to in the preparation of this report:

- (a) Home Office - Government Alcohol Strategy
- (b) Home Office – Next Steps on Delivering the Government’s Alcohol Strategy
- (c) Home Office Research Report – Impact of Licensing Act 2003 on Levels of Crime and Disorder
- (d) Alcohol, Violence and the Night Time Economy - Community and Safer City Scrutiny Committee Policy Review 2010/11

