

Appendix 2 - Overview of consultation responses

Response number	Response type	Response	Licensing Authority Comment	Outcome
1	2 separate resident's responses	<p>"No specific reference to 24 hour off licences - The anti-social behaviour, which is often a result of underage youths purchasing and drinking alcohol from such premises, is a concern in my neighbourhood" and</p> <p>"- there is no justification for shops having a licence to sell alcohol 24 hours a day/night - particularly where those shops are located in residential areas. The impact on local residents as a result of the anti-social behaviour caused by the individuals who frequent and purchase alcohol from such shops is immense. The residents of [redacted], SS9 are constantly subjected to sleep deprived nights, damage to homes and gardens, and the accumulation of rubbish/waste left behind by unruly and drunk individuals who gather at [redacted] Supermarket on [redacted] Road to purchase alcohol during the early hours of the morning. This should be reviewed and such licences revoked and not approved"</p>	<p>The law allows applicants to apply for 24 hour licences. Residents have the right to object. Home Office guidance (the guidance) at section 14.10 states 'While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits'.</p> <p>The authority is not aware of evidence that 24 hour licences are more likely than any other to attract underage purchasers. Poor management is a more likely cause regardless of the trading hours. Where there is evidence the licensing authority will enact the enforcement protocol outlined in section 8 of the policy. The Licensing Act is written in such a way that it is for the applicant to demonstrate the justification for their proposal rather than the policy to prevent it outright. The review process for individual licences is covered in the policy at section 18.</p>	No change
2	Resident	<p>"Many of the proposed changes are on face value looking good, Noise and anti-social behaviour are at the forefront of the changes. Just how would it be policed ? Self policing does not work anywhere near 100% Drunken noisy person walking /driving home at all hours of the night , Pubs that close at 23:00 often still have customers on the premises well over</p>	<p>The proposed changes alert applicants and licensees to the expectations of the licensing authority for them to have control of their patrons. This includes a new section specifically aimed at external areas and beer gardens. This was inserted because of a rise in complaint levels from such area's. Self policing can work where it is properly implemented and where it isn't enforcement</p>	No change

		45 mins after drinking up times. Often people can be heard having left local pubs up to 00:30. Night clubs chucking out time should be at a max of 02:00 Forget the 05:00 latest means people some in a state of extreme noisiness on the roads walking driving on the build up to rush hours”.	options are available to the responsible authorities. To impose fixed closing times the licensing authority must follow section 14.48 of the guidance which requires that such restrictions are evidence based. At this time there is little evidence.	
3	Licensing Consultant	<p>“10.2 Places an obligation to provide crime stats upon applicants.</p> <p>The stats available to the public are those found on the Police.Uk website. This data does not differentiate the information provided in any useful fashion for example a particular road may have many crimes listed as violent/sexual in nature and yet these may all have been committed in private. The nature of such reported crime cannot be interrogated in any meaningful way. It would be wholly inappropriate to rely on such material as being relevant to a premises licence application. The alternative is to make an FOI request to the police. The quality/detail of such material is variable and subject to the same limitations (above). The time taken to make and receive FOI data is significant especially if - the data is received after 3 weeks and requires further qualification to make any sense or attribute relevance. Have the police been asked re capacity to deal with an uplift in FOI requests?”</p>	<p>10.2 <i>advises</i> that an applicant demonstrates that crime statistics in the locale have been considered. There is no stated obligation for an applicant to provide statistics. It is correct that there is crime information on the police website. While it is accepted that some of the details may be scant it is right to alert an applicant of such matters, especially as ‘the prevention of crime and disorder’ is one of the licensing objectives.</p> <p>Additionally Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area. Alerting applicants that crime statistics could be taken into consideration when considering their proposal would fall under that section as a reasonable action.</p>	No change
		<p>“10.5 The phrase 'where licensed premises are found to cause....a review etc' pre-supposes a finding of culpability before facts are tested by a hearing. To avoid claims of un-democratic processes I suggest 'are found' is replaced by 'are suspected'.”</p>	Agreed - The wording could be clearer.	Amended

		<p>“10.7 The location of violence etc. As above the relevance of such incidents and the culpability of licensed premises is far from certain. The mere proximity of such happenings is not enough to justify draconian closure measures. If such claims are made the police will need to supply sufficient detail in good time to all parties.”</p>	<p>10.7 makes it clear that such evidence <i>may</i> be used to justify closing times. The addition of a licensed premises trading into the later hours within a local area already suffering such issues could compound a problem. In such circumstances one would expect a responsible authority, most likely the police, to object. It remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.</p>	No change
		<p>“12.6 (11th bullet point about employing SIA) This seems to impose an obligation on all licence holders to employ SIA doorstaff whereas the need for such staff should be on a case-by-case/justification basis. If the intention is to make doorstaff a necessity this has very significant implications for businesses if not, it needs to be re-worded reflect the variability of premises. I would welcome a response to clarify the intention here.”</p>	<p>It is not the intention to compel a licensee to employ door staff in all outside area’s and this section will be reworded to make it clear that this should be a consideration.</p>	Amended
4	Planning Dept	<p>“Respecting the operational division between Licensing and Planning legislation, but trying to promote greater awareness on the part of license applicants that the Council wishes to work in a joined up manner, I’d seek that the following are incorporated into the policy. I appreciate you may wish to rephrase my suggested wording to suit the style of your policy document.</p> <p>Para 9.4 After final sentence add words - Although it is not mandatory, applicants for licenses are encouraged to submit with their applications supporting information which clarifies the related</p>	<p>It is felt that the links (and differences) between Licensing and Planning are already adequately covered in sections 1.3-1.7, 9.4 and the new 14.2 (see next response). As the</p>	No change

		<p>Planning position for example the existence of planning permission for the use subject of the licence and/or how the application responds to, or takes heed of, any planning conditions in place restricting matters such as hours of operation. The provision of such information will not prejudice the objective and independent assessment of the application by Licensing Authority but will enable the Licensing Authority and Responsible Authorities consulted about your proposals to liaise effectively in the interests of dealing with the application in a collaborative and efficient way”.</p>	<p>details of any planning permission are available via public access and the planning department themselves hold the information it would be unnecessarily duplicitous to the other responsible authorities to encourage non mandatory documentation to be provided by applicants.</p>	
		<p>“Insert new Para between 14.1 and 14.2 The Council provides a pre-application service for people seeking advice on prospective planning applications including proposed changes to planning conditions controlling. That may involve, for example, hours of operation. Applicants for licenses are encouraged to consider the benefits of using that advice service in the interests of seeking to ensure their license proposals are, or can be made, consistent with separate planning controls that may apply to their premises. More information about the advice service is at this link https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2 “</p>	<p>In the interests of joined up working and assisting businesses this section will be added.</p>	Amended
5	Public Health Dept	<p>“Much of the new sections are really positive steps to improve the policy, including consideration of staff policies and training programmes relating to customer drunkenness and vulnerability and further</p>		

		<p>clarity on requirements for external areas including beer gardens and smoking areas. We also welcome the reference to the measures required to protect children from accessing gaming machines in licenced premises.</p> <p>There are two main area's we felt that further information could be added into the policy; Southend 2050 and the Tackling Harmful Behaviours Strategy.</p> <p><u>Southend 2050:</u> We welcome the link between Southend 2050 and the licencing policy, there are several 2050 outcomes that can be positively influenced through an effective Alcohol Licencing Policy, these include;</p> <p>Safe & Well:</p> <ul style="list-style-type: none"> • People in all parts of the Borough feel safe and secure at all times • We are all effective at protecting and improving the quality of life for the most vulnerable in our community • Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives <p>Opportunity and Prosperity</p> <ul style="list-style-type: none"> • The Local Plan is setting an exciting planning framework for the Borough. • We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of 	<p>The Licensing Authority agree with this view. A new section has been added at 14.8 outlining the 2050 links highlighted in this response.</p>	<p>Amended</p>
--	--	--	--	----------------

		<p>shops, homes, culture and leisure opportunities.</p> <p>We feel that the links to Southend 2050 outcomes would benefit from being more explicit, to ensure that we are communicating this with our local businesses and demonstrating that our regulator responsibilities do have a strong part to play in delivering the 2050 ambition.</p> <p><u>Tackling Harmful Behaviours Strategy:</u></p> <p>We welcome the reference to the Tackling Harmful Behaviours Strategy, however we feel that this could be more strongly referenced within the policy, outlining the main relevant focuses within the strategic document:</p> <p>Restricting Supply:</p> <ul style="list-style-type: none"> • Improve collection and analysis of local data to inform alcohol licensing applications and future policies to ensure that all decisions are evidence based and consider the adoption of a Cumulative Impact Policy if the data indicates there is a requirement for one. • Improve processes to gather and develop intelligence which can be used to restrict the supply of illicit alcohol and tobacco sales and inform test purchases at premises to ensure they comply with the law in respect of age 	<p>The Licensing Authority has referenced the Tackling Harmful Behaviours Strategy at 8.6.</p> <p>As the strategy is still developing this reference has been kept deliberately bland so as to embrace the outcomes and ambitions as they mature. At this stage we do not feel it appropriate to explicitly tie the policy to particular strands of the harmful behaviours strategy, but instead have made a clear statement that we will take account of the appropriate elements of it.</p>	<p>No change</p>
--	--	--	---	------------------

		<p>restricted products</p> <p>The above also aligns closely with the ambition to “Improve Data Quality and Collection”, we would like to see reference to national tools such as “Alcohol harms and licensing: available data” https://www.gov.uk/government/publications/alcohol-licensing-data-for-public-health-teams which can support the Licencing Authority to maximise it’s intelligence about alcohol related harm and inform policy tools such as Cumulative Impact Policies (if appropriate)”.</p>	<p>The Licensing Authority feels that much of the data in this tool is aimed at authorities rather than applicants. However this has not been tested and a reference is included at 14.9.</p>	<p>No change</p>
6	Essex Police	<p>“I have read the draft policy and have only positive comments...</p> <p>Could I ask that the appendix to the policy (Details of Responsible Authorities) is slightly amended to reflect a subtle change in e-mail address for Essex Police.</p> <p>The new address is licensing.applications@essex.police.uk “</p>	<p>The appendix will be updated to reflect this change.</p>	<p>Amended</p>
7	Licensing Committee	<p>Request to reword 10.4 of the draft to include a reference to drug awareness training and to replace the word ‘tips’ with advice.</p>	<p>Agreed.</p>	<p>Amended</p>