

## SOLP and CIA Consultation Responses

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No.	Consultee/ Respondent	SOLP Response/Comments	CIA Response/comments	Other Comments	Officer response
1.	Resident	Licensing should be a break the rules you lose the licence, its upto the owners to get there staff to do there job correctly. if a staff member does not do there job right then they loose there licence todo the job too with a fine.			The LA has a statutory obligation to enforce the relevant legislation to ensure compliance across all licensing matters. All duties are exercised in a proportionate and consistent manner.
2.	Resident	As a resident I am often appalled that we have the worst crime rates in the country, the worst shoplifting rates and one of the highest knife crime rates. Drugs and alcohol fuel crime and there are already enough premises serving or selling alcohol especially in areas like Thorntree and Brambles Farm as well as the town centre.			The areas mentioned within this response are subject to the CIA and if approved will form part of the Cumulative Impact Policy along with other areas that have been identified as having high volume crime rates. This will provide greater control over licensing decisions on matters relating to premises located in such areas.
3.	Resident		A agree wholeheartedly with the Policies.		Comments noted.
4.	Portman Group	<p>Thank you for reaching out and inviting comment on your draft revised Statement of Licensing Policy.</p> <p>We very much appreciate the existing signposting in the document under provision 8.12 on 'advertising' commending the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.</p> <p>In terms of extra builds to the draft, we would ask that you perhaps consider adding in a little extra context in the text concerning the Code of Practice and encouraging retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions.</p>			<p>Noted observations with regard to paragraph 8.13 within the draft policy document which has been amended to reflect the suggestions with regard to The Portman Groups revised guidance.</p> <p>Sect 182 guidance Naming, packing and promotion in retail premises 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of</p>

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		<p>We would suggest including something along the following lines:</p> <p><i>The Portman Group Code of Practice</i></p> <p><i>The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks sold in licensed premises are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published online. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. We would encourage retailers to sign up to and abide by Retailer Alert Bulletins. The Secretary of State's Statutory Guidance under the Licensing Act 2003 states that licensing authorities should, in the exercise of their licensing functions consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins.</i></p> <p>We would also ask that you consider the <a href="#">comments</a> from former UK Public Health Minister Andrea Leadsom in February 2024, who suggested that "licensing authorities should consider whether it is appropriate to impose</p>			<p>irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.</p>
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		<p>conditions on licences that require the licence holder to comply with the Portman Group’s Retailer Alert Bulletins” if there is evidence of irresponsible alcohol promotion undermining licensing objectives.</p> <p>If you have any questions or any of the above or how we can be of further assistance in your work, please just let me know.</p>			
5.	Public Health/Licensing	<p><b>SOLP response</b></p> <p><b>Public Health</b>  The Licensing Authority recognises there is no Public Health licensing objective and therefore is limited in its ability to conduct its licensing function to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003. Nevertheless, the Licensing Authority recognises the potential impact of alcohol on the public health of the residents of Middlesbrough. This can have a big impact on the National Health Service and medical providers locally. Public Health are a Responsible Authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives. The Secretary of State’s Guidance states that health bodies can make representations based on any of the four licensing objectives. The Licensing Authority considers data:</p> <ul style="list-style-type: none"> <li>• Around hospital admissions due to alcohol consumption,</li> </ul>			<p>New paragraph has been inserted in the revised draft policy to provide information to businesses and key stakeholders about the role of Public Health, and its influence on decisions relating to licensing matters.  (Paragraph 3.11)</p>

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		<ul style="list-style-type: none"> <li>• That shows a correlation between anti-social behaviour and excessive alcohol consumption in different localities,</li> <li>• That references violence related to alcohol or the night-time economy in general,</li> <li>• That links high alcohol consumption to a particular area, and</li> <li>• That undermines the physical, moral and psychological safety and welfare of children and vulnerable persons, to all be relevant to the promotion of the licensing objectives.</li> </ul> <p>Any or all this evidence could provide grounds for Public Health in their role as a Responsible Authority to make a representation on the basis of any of the licensing objectives. Although public health is not a licensing objective, the Licensing Authority believe that this Statement of Licensing Policy needs to be placed in context with the alcohol-related harms that are apparent in Middlesbrough. The Licensing Authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of people living in, working in and visiting Middlesbrough.</p> <p><b>4.2</b> – to include licensed premises operating in the day and night time economy</p> <p><b>5.3</b> - Anti Spiking Spiking is a crime: Spiking is giving someone alcohol or drugs without them knowing or agreeing. For example, in their drink or with a needle.</p> <p>Spiking of any kind, whether it be by adding to a persons drink or an injection is an offence under</p>			<p>Noted and draft policy amended.</p> <p>It is recognised that anti-spiking is a high profile matter and that more awareness is needed around this subject. The observations and recommendations that have been made have been noted and amendments have been made in the draft policy. (Paragraph 5.5)</p>
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		<p>the section 24 of the Offences Against the Person Act 1861 (administer poison or other noxious substance with the intent to injure, aggrieve or annoy a person). This offence is not limited to illicit drugs, the offence occurs if alcohol or other legal substances (e.g., sleeping tablets) is added to a person's drink. The Sexual Offences Act 2003 covers cases where someone spikes a victim to sexually assault them. Best Practice guidance:</p> <p>Operators are strongly encouraged to develop a harm-reduction policy for their business and ensure sufficient measures to protect and provide support to customers in spiking and vulnerability incidents.</p> <p>Spiking and vulnerability</p> <ul style="list-style-type: none"> <li>– Physical and other measures to prevent the spiking of drinks at the premises, i.e. where drugs or alcohol are added to someone's drink without them knowing</li> <li>– Active bystander training for staff</li> <li>– How the venue will encourage an active bystander approach</li> <li>– Having designated, trained welfare staff</li> <li>– Mobile phone-charging facilities for customers</li> <li>– Providing a safe space for welfare or first aid while getting further help</li> </ul> <p>The Night-Time Industries Association (NTIA) published an <a href="#">Industry Security Information Note</a>. (highlight link) to support enhanced security efforts in the hospitality sector.</p> <p>The NTIA's information note contains some useful guidance to the hospitality sector about the risks of drink spiking.</p>			
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		<p>certain publicly accessible locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.</p> <p>Martyn's Law, if enacted will apply to anyone responsible for publicly accessible locations used for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health, and education. Many of these locations will have the benefit of a premises licence.</p> <p>The government have indicated that publicly accessible locations with a capacity of more than one hundred people will need to undertake simple yet effective activities to improve protective security and preparedness. Those activities will include completing free training, raising awareness and cascading information to staff. As well as completing a plan. Publicly accessible locations with a capacity greater than eight hundred people will also be required to produce a risk assessment and security plan, considered to a 'reasonably practicable' standard.</p> <p>If this Bill is enacted, it will become primary legislation that must be complied with whether a premises has a licence or not.</p> <p>Although no date has yet been set for the introduction of the legislation advance information, guidance and news about training resources can be found at:</p> <ul style="list-style-type: none"> <li>• counter terrorism pages on GOV.UK</li> <li>• Protect UK website</li> </ul>			<p>subject. The observations and recommendations that have been made have been inserted into the draft policy. (Paragraph 5.7)</p>
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		<p><b>Local Counter Terrorism measures</b> Having consulted Andy Shippey, Community Safety partnership officer, the following information has been provided which outlines the local approach to Counter Terrorism</p> <p>Deliver and promote the Protect strategy focusing on the priorities within, to reduce the threat from Terrorism in licensed premises, ensuring licensed premises are adequately prepared for and equipped to respond in the event of a terrorist incident.</p> <p>The licensing authority continues to provide free ACT (Action Counters Terrorism) Awareness training courses both E-Learning and in person (upon request*) delivered for licensed premises for venue operators, Designated Premises Supervisors, and those in managerial positions.</p> <p>We encourage licensed premises to incorporate the freely accessible ACT E-learning and the SCaN for All eLearning resources as part of wider staff training packages. We also encourage licensed premises owners to make use of the information and guidance available on the Protect UK platform including use of the Protect UK App .</p> <p>The licensing authority also expects that</p> <ul style="list-style-type: none"> <li>- Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of: <ul style="list-style-type: none"> <li>o the current terrorist threat level</li> <li>o what that level means in relation to the possibility of an attack.</li> </ul> </li> <li>- Risk assessments for public entertainment venues include</li> </ul>			
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		<p>consideration of the risk of a terrorist attack and the different types of attack.</p> <ul style="list-style-type: none"> <li>- All persons responsible for security are briefed at every event about the current threat level and risk of terrorist attack.</li> <li>- All public-facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made, and action taken, if appropriate.</li> <li>- All public facing staff know the appropriate actions to take in the event of an incident which may include, but is not limited to, a marauding terrorist attack, unattended/suspicious items, vehicle borne attack. Advice and guidance available on Protect UK.</li> </ul> <p>*Requests for in-person training can be submitted via email to <a href="mailto:communitysafety@middlesbrough.gov.uk">communitysafety@middlesbrough.gov.uk</a> .</p> <p>** Act Awareness and SCaN for All eLearning resources can also be requested from <a href="mailto:communitysafety@middlesbrough.gov.uk">communitysafety@middlesbrough.gov.uk</a></p> <p><b>Para 5.6 – to amend the final 3 bullet points as follows:</b></p> <p>Considering the <b>non-sale</b> of certain alcohol products such as super-strength beer, lagers, ciders or <b>perry products</b> of 6.5% ABV (alcohol by volume) or above.</p> <p>Banning the sale of single cans or bottles of beer or cider.</p>			<p>Suggestions made have been accepted and draft policy at paragraph 5.6 has been amended.</p>
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		<p>Consideration of restricting the sales area at any one time for the sale, exposure or display of alcohol. (No more than (x)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol) This is dependent on the size and nature of the business, e.g. alcohol sales in premises such as post offices, newsagents.</p> <p><b>Para 8.10</b> to include highlighted wording Consideration should be given to the use of SCANNET or similar devices which are used to detect false identification by those that seek unlawful entry to licensed premises.</p> <p><b>Para 8.13 to include:</b> Premises Licence Holders should also give consideration to their pricing of soft drinks pricing so as not to discourage consumption of soft drinks.</p> <p>In licensed premises where the primary use is for children's activities i.e. soft play/bowling, the advertising of alcohol should be restricted to the licensed areas where alcohol sales are made.</p> <p><b>Para 8.16</b> – to remove reference to CRB</p> <p><b>9.6</b> – to include</p>			<p>The comments relating to the restrictions on the areas for alcohol sales inside premises have been accepted and draft policy has been amended (para 5.6).</p> <p>Reference to the use of SCANNET or similar devices are accepted and the draft policy amended (para 8.10).</p> <p>Comments relating to the pricing of soft drinks has been accepted and the draft policy amended (para 8.13).</p> <p>Comments around the advertising of alcohol in and around soft play areas have been accepted and draft policy has been amended (para 8.13).</p> <p>Reference to CRB has been removed from the draft policy (para 8.16).</p>
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		<p><b>Alcohol Deliveries</b></p> <p>The Licensing Authority considers there are particular risks associated with delivery services for alcohol.</p> <p>An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures, they intend to implement to ensure that:</p> <ul style="list-style-type: none"> <li>• The person they are selling alcohol to is at least 18 years of age.</li> <li>• The alcohol is delivered to a person who is at least 18 years of age.</li> <li>• A clear document trail of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.</li> <li>• The time the alcohol is sold and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.</li> <li>• Age verification procedures are implemented at both point of sale and delivery stages, with a Challenge 25 policy implemented at the point of delivery.</li> <li>• Retailers should ensure that delivery staff have been given appropriate training in procedures relating to requesting and identifying proof of age and implement these procedures as standard.</li> </ul>			<p>The concerns raised regarding the particular risks associated with delivery services for alcohol are acknowledged, and the draft policy has been amended to include the comments made. (Paragraph 9.6)</p>
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		<p><b>Para 10.5</b> – to remove reference to rebuttable presumption as this no longer applies.</p> <p><b>Para 11.3</b> – Link does not work, needs to be checked.</p> <p><b>Appendix 1</b> – Needs to be amended and list of consultees needs to be amended.</p> <p><b>Glossary Pg 67</b> – The meaning of Regulated Entertainment needs to be stated.</p> <p>Reference to Late Night Refreshment unnecessary duplication.</p> <p><b>Child Sexual Exploitation</b></p>		<p>It is acknowledged that the sentence stating that there will a “rebuttable presumption that an application for a premises licence within a Cumulative Impact area will be refused” no longer appears in the statutory guidance issued under the Licensing Act. Therefore, the relevant paragraph has been removed from the revised draft policy.</p> <p>The link relating to reviews at paragraph 11.3 in the draft policy needs to be checked whether still relevant.</p> <p>The list of consultees shown at Appendix 1 within the draft policy has been amended.</p> <p>The meaning of “Regulated Entertainment” contained within the Glossary of Terms has been corrected.</p> <p>The unnecessary duplication of reference to “Late Night Refreshment” within the Glossary of Terms has been removed.</p> <p>The comments made regarding Child Sexual Exploitation are considered to</p>
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		<p>There are a number of criminal offences associated with Child Sexual Exploitation (CSE) which could have damaging consequences for a hospitality business, including a possibility of prosecution, action being taken against a premises licence and reputational and/or financial damage. It is the responsibility of premises licence holders and their managers to make sure that suitable control measures are in place at licensed premises for the protection of children from harm. This is a legal requirement under the Licensing Act 2003 and there are legal implications if licenced premises do not have safeguards in place or fail to act if sexual exploitation of children occurs, or is believed to have occurred, on the premises. Hotels and hostels play an important role in protecting children from harm. These premises may sell alcohol either in a bar, restaurant, at an event on the premises or in rooms, either via room service or mini bar. Therefore, sufficient procedures and suitable training must be provided to staff on age restricted sales. These venues often have children staying at their premises who are accompanied by an adult. The licence holder and staff have an important part to play in safeguarding children and young people. Hotels are often used as a place to exploit and abuse victims of child sexual exploitation. The Police have powers to demand guest information in connection with child exploitation. All children must be safeguarded from harm and exploitation whatever their:</p> <ul style="list-style-type: none"> <li>• Race, religion, first language or ethnicity.</li> <li>• Gender or sexuality.</li> <li>• Age, Health, ill-health or disability.</li> </ul>			<p>be extremely important and reference to this subject matter has been amended in the revised draft policy (Paragraph 8.1)</p>
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		<ul style="list-style-type: none"> <li>• Location or placement (e.g. living alone in a hostel or residential unit, with family or a foster family; as a tourist in a hotel, etc).</li> <li>• Criminal or offensive behaviour, wealth or lack of it.</li> <li>• Political or immigration status</li> </ul> <p><b>Public space protection orders</b></p> <p>The Council supports the use of Public Space Protection Orders as a tool to prevent alcohol related crime and disorder in the streets. The Council expects premises that operate in areas where Public Space Protection Orders have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.</p>	<p><b>CIA document</b></p> <p><b>Para 2.6</b> – impact is already being experienced in an area designated to be a CI area. to consider adding the word ‘further’ negative impact.</p> <p><b>Para 4.1</b> – Need to change in the reference to previous 5 years of data.</p>		<p>The comments made regarding Public Space Protection Orders are accepted and have been included in the revised draft policy. Reference to problems associated with street drinkers has also been included in the revised draft policy. (Paragraph 5.1).</p> <p>Comments made regarding the Cumulative Impact Assessment are noted and relevant amendments to the draft policy have been made.</p> <p>Paragraph 2.6 has been amended to state:- It is for the applicant to demonstrate, within their operating schedule, that they will not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.</p>
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			<p><b>Para 10</b> – Needs to be deleted, not necessary as referred to in section 5.3.</p> <p>Summary and conclusion to be amended to para 10</p>		<p>The following paragraph has also been included in the draft CIA document (at paragraph 2.8) and in the Statement of Licensing Policy (paragraph 10.18)</p> <p>The council makes it clear in this policy that cumulative impact, in the absence of a specific ‘special’ policy, can still be raised in relevant representations and could form the basis for legitimate questions by members of the licensing sub- committee. i.e. the absence of a special policy does not prevent the issue of cumulative impact being properly raised, considered and acted upon in the interests of promoting the licensing objectives.</p>
6.	Cleveland Police	<p>Thank you for your contact with regards to the Consultation on the CIA and Policies this is really appreciated as you are aware Mr Webster faced some questions around this in a recent meeting – Steve kindly supported my knowledge.</p> <p>In terms of moving forward and taking a more collaborative and positive approach in order to make the streets safer for our communities to go into and enjoy both DTE and NTE, not with standing licensed shops, can we consider some key areas of nationally recognised issues which can be supported by licensed premises – this being Violence Against Women and Girls which as we know is Nationally driven and spoken about daily and I would hope isn’t seen as Police centric. Licensing can be instrumental in supporting Cleveland. Additionally spiking and the measures</p>			<p>The comments made by Cleveland Police are noted. The particular concerns raised in relation to Violence against Women and Girls, Spiking, Counter Terrorism and Public Space Protection Orders are accepted and have been included in the revised draft policy. (Paragraph 5.4)</p> <p>Reference to issues around the DTE (Day Time Economy) is noted and the draft policy has been amended to reflect that problems and concerns associated with both the night time and day time economy should be treated with equal importance. (Paragraph 4.2)</p>

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		<p>that have already been put into place to prevent this happening recognising it to be an issue.</p> <p>Aside from this is Counter Terrorism and the threat and mitigation measure in place.</p> <p>I understand there has also been discussions around Public Space Protection Orders – which could hopefully be considered appropriately to enhance safety of our customers/community.</p> <p>Happy to discuss and support moving forward.</p>			
7.	Police and Crime Commissioner for Cleveland	<p>Sections covering the Licensing Objectives provide numerous control measures which gives a clear overview of what is expected from venues. The council does provide a wealth of training through their E-learning site however this is not mentioned as good practice. The policy seems to focus on what occurs within premises; more considerations to the impact outside on the public highway would be welcomed. Further guidance is required on what ‘good’ CCTV looks like as this is subjective. Additional guidance in Section 5.7 needs to include lone working policies and safeguards to protect staff. In addition, more guidance on the proper management of drugs boxes is required. The document focuses largely on alcohol and the NTE, however more attention is needed on other age restricted products available and the DTE which overlaps. We would have expected further public safety measures to have been included such as Ask For Angela, and for public health drugs warning to be displayed.</p>		<p>The policy documents are comprehensive and as such the character limit on this survey has limited our ability to provide more meaningful feedback; we would welcome opportunities to discuss these with you further. We must note that the links between the NTE, drug consumption and VAWG, that we know are high, feel like key omissions. Furthermore, there is little or no reference to zero-</p>	<p>The points that have been made regarding control measures are noted. However, specific initiatives and resources should not be named and included as such may be subject to change and /or specific funding for retaining resources may not be available. A broader approach within the policy document will ensure that any future initiatives can be developed.</p> <p>The comments of the PCC regarding “more considerations to the impact outside on the highway would be welcome” are noted. However, the relevant guidance issued under the Licensing Act (paragraph 2.27) states – “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly</p>



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				<p>tolerance approaches in weapon policies and spiking. The data justifies an NTE focus, but not enough focus is given to the DTE which is a contributor to NTE related offending. There is concern around the ability of RAG to enforce the policies set out. Point 2.6 identifies that from January 2017 to July 2023, there have been approximately 6 inspections carried out per month. This seems low considering the number of licensed premises. Section 11 highlights the reasons for enforcement visits, however, does not outline any engagement work with premises (e.g. Pubwatch) or proactive work (test purchasing).</p>	<p>reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”</p> <p>The comments of the PCC regarding “Further guidance is required on what ‘good’ CCTV looks like as this is subjective” are noted. However, in consultation with Cleveland Police the Licensing Service has established a generic list of comprehensive conditions relating CCTV that will commonly apply to both ‘On’ and ‘Off’ licensed premises. The details of such conditions are also available to prospective applicants for premises licences upon request. It is regarded that the measures associated with these conditions satisfy the meaning of a ‘good’ CCTV system.</p> <p>The comments of the PCC – “Additional guidance in Section 5.7 needs to include lone working policies and safeguards to protect staff” are noted. Although it is regarded that responsibility for ensuring the safety and well-being of staff lies with the management of premises through the</p>
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				<p>implementation of relevant staff training and risk assessments. There are several references to staff training in the draft policy which is intended to ensure that high operational standards are maintained, whilst also protecting the safety and well-being of staff. All businesses are also under a legal duty to comply with the Health and Safety at Work Act 1974.</p> <p>The comments of the PCC – “more guidance on the proper management of drugs boxes is required” are noted. Although the draft policy (paragraph 5.5) makes reference to effective Policies and Procedures to support well managed licensed premises and includes “Drugs Policy to prevent the use or supply of illegal drugs and the and the installation of a drugs deposit box”. It is proposed that this paragraph within the draft policy be expanded to include – “A drugs policy, where applicable, should be implemented by the premises licence holder in consultation with Cleveland Police if required.”</p> <p>The comments of the PCC – “The document focuses largely on alcohol and the NTE, however more attention is needed on other age restricted products available and the DTE which overlaps” are noted. It is important to note that the licensing policy covers matters relating</p>
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				<p>to the supply of alcohol, regulated entertainment and late night refreshment. Licensing legislation does not cover other age restricted products. Enforcement into such matters is covered by other legislation that falls under the responsibility of other agencies.</p> <p>The comments of the PCC – “We would have expected further public safety measures to have been included such as Ask for Angela, and for public health drugs warning to be displayed” are noted. Reference to Ask for Angela has been included in the draft policy under violence against women and girls (Paragraph 5.6)</p> <p>The points that have been made regarding control measures are noted. It is recognised that the safety measures mentioned were not included in the first draft policy. Following responses to the consultation, matters in relation to spiking, violence against women and girls, safeguarding and counter terrorism will be included in the final policy document. (Paragraph 5.4).</p> <p>The comments of the PCC – “We must note that the links between the NTE, drug consumption and VAWG, that we know are high, feel like key omissions” are noted.</p>
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				<p>Although it is considered that the proposed amendments to the draft policy as outlined above, in response to the consultation replies, are sufficient to address these concerns raised.</p> <p>The comments of the PCC – “There is little or no reference to zero-tolerance approaches in weapons and spiking” are noted.</p> <p>There are several references to weapons within the draft policy, including at Paragraph 6.8 which includes – “The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents”</p> <p>It is proposed that the above sentence be amended in the final draft policy to include the words “take a zero tolerance approach” to prevent the presence of knives and other weapons.</p> <p>It is considered that the concerns of the PCC in relation to spiking have been adequately covered earlier in this Table.</p> <p>The comments of the PCC – “The data justifies an NTE focus, but not enough focus is given to the DTE which is a contributor to NTE offending” are noted.</p>
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				<p>As stated above in this Table, the draft policy has been amended to reflect that problems and concerns associated with both the day time and night time economy should be treated with equal importance. (Paragraph 4.2)</p> <p>The comments of the PCC – “The policy documents are comprehensive and as such the character limit on this survey has limited our ability to provide more meaningful feedback; we would welcome opportunities to discuss these with you further” are noted. Officers have since held discussions with representatives of both the PCC and Cleveland Police regarding their submissions made on the policy and CIA consultation, and it has been established that the proposed additions/amendments set out in this Table satisfactorily address the concerns that have been raised.</p> <p>Data analysis has been collated across all 20 wards in Middlesbrough. CIP 1 relates to On licensed premises only. CIP 2 relates to Off licensed premises. Southfield Road is covered by both CIP1 and CIP2.</p> <p>The bulk of the data identifies that there is a high prevalence of alcohol</p>
			<p><b>CIA Comments</b></p> <p>The need for the use of a CIA is demonstrated in the data and we welcome the consideration around alcohol-related crime and impact on police resources. We largely agree with the assumptions made but would highlight some observations.</p>	

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			<p>Firstly, there is anecdotal evidence that Southfield Road attracts underage drinkers, this concerns us in relation to safeguarding of young people. The bulk of the data is based in Newport and Central wards, but the majority of incidents occur outside of these areas. We are supportive of the Captain Cook's Square development, but there has been an increase in youth related ASB in this area, where targeting hardening measures are now being considered. We'd welcome a more proactive approach. No issues in relation to CIP area 1. CIP area 2 is a significantly large geographic area. What were the considerations taken in determining this? Further clarity on how the authority utilises this assessment as part of their decision-making processes would be welcomed.</p>		<p>related crime, disorder, anti social behaviour and health harms within both Central and Newport wards that relates to alcohol sales from both On/Off licensed premises. CIP 2 covers a larger geographical area showing that the majority of alcohol related issues occur from Off sales across several ward areas which have been named as been or becoming ward areas that will be covered by CIP 2 if approved.</p> <p>Cumulative Impact Policies do not restrict the application process or the granting of new premises licences within the named areas, it allows a process to be followed to establish whether a representation should be made against an application for the grant or variation of a premises licence within areas where it has been deemed that cumulative impact exists, and where there is concern that the granting of such will further impact on the area where the premises are situated and the licensing objectives.</p> <p>Subject to any representations made, a Licensing Sub-Committee meeting will be held to determine an application.</p>
8.	Resident	<p>Drinking isn't a problem in Middlesbrough it's the big use of Cocaine that causing all the trouble in Middlesbrough. Every pub you go in people using the cubicles for anything other than doing a number 2.</p>			<p>Comments noted. In consultation with Cleveland Police the Licensing Service has established a generic list of comprehensive conditions relating to drugs that will</p>

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					<p>commonly apply to both 'On' and 'Off' licensed premises if and when the need arises.</p> <p>The details of such conditions include the provision for premises to have a written drugs policy that includes instruction around premises and person searches, a secure drugs storage cabinet and a register to record any drugs found on a person or premises. Such conditions are also available to prospective applicants for premises licences upon request. It is regarded that the measures associated with these conditions will assist in the prevention of drug misuse on licensed premises.</p>
9.	Resident	We do not need anymore takeaway places in Middlesbrough town. Linthorpe road stinks of takeaways.			<p>Comments noted, although under the Licensing Act, only food takeaway premises opening between 11.00pm and 5.00am are required to be licensed. Food takeaway premises operating outside these hours are not covered by the Licensing Act and are regulated by other primary legislation. (eg, Planning, food standards, noise &amp; pollution).</p>
10.	British Beer & Pub Association	<p><b>Middlesbrough Council - Consultation on Statement of Licensing Policy and Cumulative Impact Policies About the BBPA</b></p> <p>The British Beer &amp; Pub Association is the leading body representing Britain's brewers and pub companies. The Association is more than a</p>			<p>It is important to note that minimum unit pricing has been included in Middlesbrough's Statement of Licensing Policy since 2017.</p> <ul style="list-style-type: none"> <li>• Localised pricing</li> </ul>

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		<p>century old and was originally founded as the Brewers' Society in 1904.</p> <p>Our members account for around 20,000 of the nation's pubs and brew over 90 percent of beer sold in the UK. Member companies have many different ownership structures, including UK PLCs, privately-owned companies, independent family-owned brewers and UK divisions of international brewers.</p> <p>The brewing and pub industry in the UK makes a major contribution to the local and national economy. The sector generates £26 billion of economic value and supports over 900,000 jobs.</p> <p><b>Minimum Unit Pricing in England</b></p> <p>The beer and pub sector is committed to reducing the harmful use of alcohol. However, pricing and taxation are blunt instruments to achieve this, penalising those on low incomes and responsible drinkers.</p> <p>The BBPA supports a ban on below-cost selling and a tax system and policy measures that encourage the production and consumption of lower-alcohol drinks. Along with targeted interventions, local community partnerships, greater education and awareness and support for pubs where alcohol is consumed in a managed and safe environment, this is our preferred approach to fostering a culture of responsible drinking in the UK.</p> <p>The UK Government consulted on the introduction of an MUP in 2012 but in 2013 announced that they would instead introduce a ban on the selling of alcohol below 'cost' (defined as duty + VAT) to prevent retailers loss leading on alcohol. This effectively sets a 'minimum price' for each drink type, controlled by the excise duty rate. This came into effect on 28 May 2014 in England and Wales</p>			<p>The BBPA supports a ban on below-cost selling and a tax system and policy measures that encourage the production and consumption of lower-alcohol drinks. Along with targeted interventions, local community partnerships, greater education and awareness and support for pubs where alcohol is consumed in a managed and safe environment, this is our preferred approach to fostering a culture of responsible drinking in the UK.</p> <p>Section 182 of the guidance para 10.21 states - Fixed prices – Licensing authorities should not attach standardised blanket conditions relating to fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56. 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions,</p>
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		<p>via the Licensing Act 2003 (Mandatory Conditions) Order 2014. In March 2020, the Government said there were “no plans for the introduction of MUP in England” although it would continue to monitor progress in Scotland and consider the evidence of its impact. To date, there is still no MUP in England and the Government has not signalled its intention to introduce it.</p> <p><b>Objection to introducing a local MUP requirement</b></p> <p>The BBPA confirms its objection to the inclusion of a provision for MUP in the new SoLP. Whilst we understand the intention to address alcohol-related harm, we believe that a local MUP policy is misguided and potentially harmful for a number of reasons.</p> <p>As the draft Statement of Licensing Policy already acknowledges, the Mandatory Licensing Conditions that were introduced in 2014 prevent licensed venues from offering irresponsible promotions of alcohol, and that would include for free or for a fixed or discounted fee if there is a significant risk that such provision would undermine a licensing objective. Licensing Authorities already have sufficient ability to address any such venues without the need to introduce a local MUP requirement.</p> <p>Introducing a local MUP not only runs counter to national Government policy, but also represents an unnecessary additional level of regulation. The following list sets out reasons why a local MUP should not be included in the SoLP:</p> <ul style="list-style-type: none"> <li>• Lack of jurisdiction: Pricing policies for alcohol are typically set at a national level. A Local Authority that seeks to introduce (or “encourage”) its own MUP may be exceeding its legal powers and could face legal challenges. For example,</li> </ul>		<p>they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.</p> <p>Middlesbrough draft policy paragraph 9.3, 9.4 &amp; 9.5</p> <p>The Licensing Authority will encourage all licensed premises to apply a minimum unit price of 65p (increased from 50p as stated in previous policy) to all alcoholic products sold under their premises licence. (The unit pricing will be reviewed in line with national Guidance.)</p> <p>Where the premises are found to be selling alcohol below this price, and</p>
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		<p>implementing a local MUP could be a breach of competition law.</p> <ul style="list-style-type: none"> <li>• Inconsistency and confusion: Implementing MUP at a local level could create a patchwork of different pricing policies across neighbouring areas, leading to confusion for both businesses and consumers.</li> <li>• Economic impact on local businesses: Local pubs, restaurants, and shops may suffer reduced sales and revenue, potentially leading to job losses and business closures. This could include venues within an immediate vicinity i.e. a high street or town centre but especially in locations that border the boundary of the SoLP, where customers can easily travel to nearby localities without MUP.</li> <li>• Displacement of drinking: Rather than reducing alcohol consumption, a local MUP may simply shift drinking to neighbouring areas or encourage bulk buying outside the area, undermining the aims of the policy.</li> <li>• Lack of evidence for localised effectiveness: While some studies have shown potential benefits of national MUP policies at a national level, there is little evidence to support the effectiveness of MUP when implemented at a local level.</li> <li>• Administrative burden: Implementing and enforcing a local MUP would create additional bureaucratic pressures on both the Council and local businesses.</li> </ul> <p>Instead of pursuing a local MUP, we encourage the Council to consider alternative measures to address alcohol-related harm, such as:</p>		<p>problems associated with that premises are in breach of the licensing objectives, a responsible authority or interested party may bring a review. Following the review, the Licensing Committee may impose a condition in relation to the pricing of alcohol, in order to uphold the licensing objectives.</p> <p>There are local and national concerns about the potential for drunkenness and disorder by discounting the cost of alcoholic drinks and or other sales promotions which may encourage people to consume larger quantities of alcohol. The mandatory conditions brought in to force in April 2010, may address the issue of irresponsible drinks promotions in on licence premises where it is likely to adversely affect the licensing objectives. However, the Council is also aware of the impact of the availability of cheap alcohol sold through off licence premises, particularly products consumed by binge drinkers, problem and underage drinkers. The Licensing Authority will expect applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.</p> <p>Comments received from the BBPA have been noted.</p>
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		<ul style="list-style-type: none"> <li>• Supporting targeted education and awareness programs</li> <li>• Utilising existing licensing laws</li> <li>• Working with local businesses and stakeholders to promote responsible drinking initiative</li> </ul> <p>As highlighted earlier, our comments on localised MUP do not seek to downplay our members commitment to tackling the harmful use of alcohol. For example, brewers are leading the way in investing in new low-alcohol and alcohol-free variants, providing greater consumer choice for those seeking these products and supporting public health goals.</p> <p>BBPA 23rd August 2024</p>			<p>The draft policy clearly reflects the national guidance. There is no mandatory minimum unit price adopted but retailers are encouraged to look at pricing to promote the licencing objectives and reduce the levels of associated alcohol related harm.</p>