



Environmental Health

Licensing Guidance Review Team
Tourism Division
6th Floor
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Dear Sir/Madam,

Re: Response to DCMS consultation on sec 182 of the Licensing Act 2003

Please find below the comments that Blaenau Gwent County Borough Council wish to make on the above consultation.

Section 8 of the Health Act 2006 imposes a duty on any person who controls or is concerned in the management of smoke free premises to cause a person smoking there to stop smoking. The rationale behind this duty is to protect exposed employees and others from the detrimental health effects of tobacco smoke. Persons holding Personal Licenses are likely to be persons controlling or being concerned in the management of premises to which the provisions of Section 8 of the Health Act 2006 apply.

Local authorities are specifically precluded by sections 2.17 and 2.18 of the guidance issued under Section 182 of the Licensing Act 2003 from imposing conditions on premises and club licenses that relate to cleanliness and hygiene or that have the effect of imposing a smoking ban in the premises, the guidance noting that these are issues that are currently addressed by legislation, or should be included in other legislation or voluntary Codes of Practice.

The Licensing Act 2003 Annex C lists the offences that are currently relevant offences to be considered when an individual applies for or seeks to renew a personal licence. In the view of Blaenau Gwent County Borough Council it would be appropriate to include convictions under Section 8 of the Health Act 2006 as a relevant offence within this Annex, as the commission of this offence demonstrates that the individual concerned does not have proper regard for the law when managing licensed premises.

Yours faithfully,

D. R. Cook

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Head of Environmental Health