



Our Ref: JSAC/ab

Simon Richardson
Licensing Guidance Review Team
Tourism Division, 6th Floor
Department for Culture, Media & Sport
2-4 Cockspur Street
LONDON
SW1Y 5DH

Fellowship Support Unit

10 April 2007

Dear Mr Richardson

Consultation on draft revised Guidance to be issued under section 182 of the Licensing Act 2003

I refer to a document dated January 2007 from the Department for Culture, Media & Sport requesting comments on the *Consultation on draft revised Guidance to be issued under section 182 of the Licensing Act 2003*. I am pleased to enclose the comments of the Royal College of Physicians of Edinburgh.

Please note that these comments have already been sent to you by e-mail.

Yours sincerely

John S A Collins MD FRCP Edin
Secretary

RCPE



Royal College of Physicians of Edinburgh

Consultation response

The College promotes the highest standards of practice in internal medicine and related specialties wherever its Fellows, Collegiate Members and Members practise.

COMMENTS ON
DEPARTMENT FOR CULTURE, MEDIA AND SPORT
CONSULTATION ON DRAFT REVISED GUIDANCE TO BE ISSUED
UNDER SECTION 182 OF THE LICENSING ACT 2003

The Royal College of Physicians of Edinburgh is pleased to respond to the Department for Culture, Media and Sport on the *Consultation on draft revised Guidance to be issued under section 182 of the Licensing Act 2003*.

The College welcomes the opportunity to comment on the Licensing Law guidance. It is conscious of the fact that the Act differs in some important respects to that which is coming into force in Scotland. Notably this includes the absence of promotion of Public Health as a principle of licensing legislation as proposed by the Nicholson enquiry and subsequently enshrined in the Act. Sadly, there is almost no reference to health in the English guidance being issued, and even Environmental health is mentioned only in relation to noise. There is brief reference to impact in Accident and Emergency Units.

Questions:

7. *Do you agree that the pools of conditions in Annexes D-H should be...?*

We favour option 2 – annexes retained and updated with regular information on good practice (some advice on issues of health and safety might otherwise be overlooked).

9. *Do you think that, if retained, there is a risk that the pools of conditions may increasingly be considered exhaustive and therefore inhibit the promotion of innovative conditions by the police, other responsible authorities and interested parties to address emerging problems?*

No – especially if they are updated regularly.

10. *Do you think that the pools of conditions have value in promoting consistency and/or best practice?*

Yes

11. *Do you agree that the current guidance on the role of ward councillors should be further clarified and expanded as proposed?*

Agree

13. *Do you agree with the proposed amendments to the guidance on authorisation of sale?*

Agree (it is important to ensure that responsibility for sales is properly assigned and acknowledged).

17. *Do you agree that the guidance on evidence to support representations should remain unchanged?*

Agree.

19. *Do you agree that it would be useful to add guidance on how licensing authorities might manage concerns about potential intimidation of interested parties?*

Yes – and in the manner proposed with the additional requirement that those wishing to make representation are aware that their details may be withheld if they have reasonable grounds for so doing.

21. *Do you agree that guidance on the control of nuisance/crime and disorder outside licensed premises should be clarified/expanded as proposed?*

Agree – with amendment suggested.

23. *Do you agree that the guidance on longer hours should be amended to reflect the Secretary of State's letter of 30 September 2005 and the current situation?*

Agree.

31. *Are there any other issues that you would like to see addressed in the revised guidance?*

In the consultation on policies (13.3) the licensing authority should have a requirement to consult with the Health Authority and it's advisors (A&E Departments represent only a fraction of health interests). The impact of alcohol on health is very large.

It does not seem logical to exclude off-licenses from a general policy on concentration (13.27)

There is strong evidence linking density of outlets ("overprovision") with alcohol related problems and the provisions (13.32) limit the licensing authorities' ability to take this into account.

All College responses are published on the College website www.rpe.ac.uk.

Further copies of this response are available from Lesley Lockhart ([REDACTED])
[REDACTED]

10 April 2007