

Police Reform and Social Responsibility Bill - March 2011

Making local health bodies responsible authorities

What is a responsible authority?

Responsible authorities within the Licensing Act 2003 include police, fire authorities, health and safety authorities, local planning authorities, environmental health, bodies responsible for protecting children from harm and any licensing authorities (other than the relevant licensing authority) in whose area a premises is situated.

Responsible authorities are able to make relevant representations regarding new licence applications and request reviews of existing licences. To be considered relevant, representations must have regard to the potential impact of the licensing determination on the promotion of the licensing objectives.

Responsible authorities have significant power within the Licensing Act 2003 as the licensing authority must hold a hearing to consider any relevant representations made and must consider these representations when making its determination. A relevant representation could lead to conditions being imposed upon the licence, or the licence being refused or revoked.

What are the key changes that will be made through the Bill?

We will make local health bodies responsible authorities. This will include a Primary Care Trust or, in Wales, a Local Health Board for an area any part of which is in the licensing authority's area

What does health have to do with licensed premises?

Drunkenness can lead to accidents and injuries, which cause A&E attendances. These incidents are often traceable to individual premises and fall under the 'Public Safety' objective in the Licensing Act.

There is some evidence that the density of premises and the hours of sale in an area can also influence the local population's alcohol consumption and the level of alcohol-related ill health, over time.

What are the intentions of these policies?

At present, the determination of licensing decisions gives little consideration to the views of local health bodies as they are not included as responsible authorities in the Licensing Act. This means that they are unable to make representations to the local licensing authorities regarding concerns about the impact of new licensed premises on the local NHS (primarily A&E

departments and ambulance services) or more generally the safety of the public within the night-time economy.

Making health bodies responsible authorities will ensure that the safety of the public within the night time economy is taken into consideration for new and existing licence applications.

What were the main views of the consultation respondents?

Consultation respondents were broadly supportive of this proposal and recognised the value of considering information such as local A&E statistics when making licensing determinations although some respondents questioned the ability of health bodies to provide representations specific to individual premises. Whilst we acknowledge this, we believe it is vital for Primary Care Trust's and Local Health Bodies to be able to influence licensing decisions by making relevant representations. Such impacts may include public safety issues, reflected in stretching A&E resources and over-burdening of staff. These representations will still need to be made in relation to the existing licensing objectives and we are confident that local health bodies will be able to do this.

We also see merit in the proposal to make the prevention of health harm a material consideration in the Licensing Act 2003. We want to ensure that this is considered alongside wider work to address the harm of alcohol to health. Accordingly, we do not intend to legislate at this stage but will consider the best way to do so in the future.