

Hillingdon's response was detailed in the report to the Licensing Committee in October 2009:

The Proposed Mandatory Conditions

- (a) A ban on specified irresponsible alcohol promotions such as drinking games, speed drinking and all-inclusive offers.
- (b) A ban on alcohol being dispensed directly in the mouth of customers.
- (c) A requirement that specified minimum measures of alcohol are readily available in licensed premises.
- (d) A requirement that free tap water should be available for customers.
- (e) Online or mail order suppliers of alcohol must have a robust age verification system in place to prevent under age sales.
- (f) A requirement for units of alcohol information to be available at point of sale for a representative sample of drinks and health guidelines to be posted up in off-trade premises.

Proposed Discretionary Local Conditions

- (a) Bans the discounted sale of alcohol where the discount applies at particular times of the day or week (e.g. happy hours) at key times.
- (b) Bars "pub crawl" offers of discounted drinks at key times.
- (c) Requires a risk review to be carried out by the licence holder and a management plan agreed with the licensing authority.
- (d) Requires regular collection of empty or abandoned glasses during key times.
- (e) Bans the serving of alcohol in glass containers at key times.
- (f) Prevents customers leaving licensed premises with unsealed glass containers at key times.
- (g) Requires toilets to be checked regularly during key times.
- (h) Requires Security Industry Authority licensed door staff to be on duty.
- (i) Requirement for an incident record to be maintained.
- (j) Licensee must consult with police and local authority on dispersal policy.
- (k) CCTV must be in operation on the premises.
- (l) Requirement to display information on location of public transport links and phone numbers for local taxis.
- (m) Requirement for a direct telephone line to local licensed taxi companies.
- (n) Live text or radio pager link with police to be in place at premises.
- (o) "Challenge 21" scheme must be in operation.
- (p) Bulk discounts must not be offered during stipulated times.

Hillingdon's response was as follows:

The cost of re-issuing licenses and dealing with appeals

- 1 Hillingdon is concerned that the proposals add bureaucracy to a system on which the Licensing Act intended to reduce the bureaucratic burden. This will show itself in the cost of re-issuing every licence in the borough with the new conditions, in terms of

Licensing Committee time, licensing officer time and production costs of new licences. As we have 900 licensed premises, the cost could run to several thousand pounds.

The possible negative effect on businesses and local economy

- 2 The majority of licensees are responsible people attempting to run a profitable business. We have no problem with the mandatory conditions as these are all eminently sensible, but we think the discretionary conditions should only be used in hotspot locations where there is a real problem with disorder associated with drinking. There is a danger that Licensing Committees will come under pressure from local councillors or residents to impose discretionary conditions in relatively low risk areas. We are also concerned that there may be pressure to use discretionary conditions arising from government targets – in other words a presumption that discretionary conditions will be used, and questions asked (or adverse publicity) from the centre if they are not.

The difficulty of imposing discretionary conditions

- 3 Several discretionary conditions are not concise and are difficult to interpret into a licence condition which would stand up to legal scrutiny. For example, how to define “key times”. If discretionary conditions are wanted, we would have to review all the licensed premises in that location, incurring more cost. As premises cannot be exempted, all must comply, and the additional costs to businesses are substantial. We think that food led outlets such as restaurants should be able to be exempted from discretionary conditions imposed in an area – for example the use of plastic glasses or CCTV is not reasonable in a low risk restaurant

Additional discretionary condition

- 4 An additional condition should be added that the personal licence holder must be on the premises between stipulated times when the venue is open.

We think it would be better to use existing licensing legislation and review processes to impose discretionary conditions on individual premises which are causing a problem. This would leave the new power to impose conditions on all establishments in an area to be used only in high risk areas where it is not possible to isolate which premises is the source of the problem.