


Public Health & Wellbeing

Key Document: the s 182 Guidance (April, 2018)

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Protection of children from harm

[2.22] ... includes the protection of children from moral, psychological and physical harm. ... but also wider harms such as exposure to strong language and sexual expletives ...

[2.29] Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

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Learning from Covid

Public Safety & Public Nuisance

R v Rimmington (2005) to support the submission that the spread of Covid is a criminal offence with a sentence of up to three years for the first offence – serious crime

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Public Safety

[2.7] Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

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Public Safety

[2.10] Ensuring the safe departure of those using the premises

Women's Safety in the NTE

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Public Nuisance

[2.16] Public nuisance is given statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

[2.21] ... to respect the rights of people living nearby to a peaceful night.

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Crime & Disorder

Crime & Disorder Act 1998, s 17

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and
- (c) re-offending in its area.

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Crime & Disorder

Common law duty to keeping the King’s Peace

Safety of Women in the NTE (social, emotional and physical safety) – perceived threats and perception (fear of crime) ?

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Safeguarding

- Safeguarding
- CSE
- Women’s Safety in the NTE
- Diversity & Inclusion

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Other key aims and purposes [1.5]

- Management & Protection
- Responsible Premises
- Needs of local communities (localism)
- Licensing strategies
- Community involvement

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Role of Experts – the RA’s

[9.12] Each responsible authority will be an expert in their respective field.

- The licensing authority
- Police
- Fire Service
- Local Health Board/Public Health Functions
- Health & Safety at Work Act (s 18) – TS
- Environmental Health (inc human health)
- Child Protection

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Health Bodies as RA’s

[9.20] ... sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions.


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Public Sector Equality Duty

An alternative perspective ?





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