

EAST DEVON DISTRICT COUNCIL



LICENSING POLICY CONSULTATION

LIQUOR, PUBLIC ENTERTAINMENTS
& LATE NIGHT REFRESHMENTS

REPRESENTATIONS AND RESPONSES

under the

LICENSING ACT 2003

Consultation Period: 23 August 2007 to 9 November 2007

Table Headings

1 Reference number	A unique number given to the particular representation
2 Policy paragraph number	This identifies the section of the Policy to which the representation relates
3 Respondent	The identification of the individual, company or organisation responding
4 Details of comments	A copy of the representation made
5 Appraisal of comments	Sets out the appraisal of the representation
6 Council's Response	Details the Council's response to the representation – i.e. whether or not a change is proposed

Consultation Responses received – August/November 2007

1	2	3	4	5	6
CPC1	General	Colyton Parish Council	Simplification and reduction of the costs involved for smaller non-commercial premises would be most welcome to stimulate and maintain local social events in village halls.	This is not a matter for the policy. The fees, charges and procedures are set by central government within the legislation.	No
SPC1	General	Shute Parish Council	Nothing should delay applications more than the old system. Everything needs to be simplified.	As above	No
CPC1	2.3.1 2.3.2 2.3.3	Colyton Parish Council	We note the lists of standards EDDC will expect to see is significantly increased. It should be pointed out that the full lists apply only to very large premises.	At paragraph 2.3 which serves as a heading for the following paragraphs it is set out that the measures listed are only indicative of the kind of measures that the authority will take into account.	No
BBPA	2.3.1 2.3.2 2.3.3 2.3.4	British Beer & Pub Association	The Association recognises that the lists of control measures given for each licensing objective are meant as examples and would not be applied in all cases. We should however be grateful if reference could be made to the fact that these measures should only be considered where appropriate. Some of the examples given do not easily translate into conditions on licences and would be unenforceable, although the BBPA would support them as good practice.	As above	No
DCP1	2.3.1	Devon and Cornwall Constabulary	Suggest should read Measures to prevent bottles and glasses being carried from the premises	Agreed - Policy amended	Yes

BBPA	2.3.1	British Beer & Pub Association	<p>“Use of plastic bottles and toughened glass” It would be helpful if your policy could include a reference to the following approach outlined in the National Alcohol Strategy on alternatives to glass, namely a risk based, per premises approach. “The Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.” “Participation in Pubwatch schemes” As a major supporter of National Pubwatch we are very keen that public houses participate in their local Pubwatches, but we are opposed to such participation being a condition of the licence. Pubwatches are voluntary organisations and membership must remain voluntary if they are to be effective. They are also co-operative bodies that must be able to determine their own membership, which would become almost impossible if leaving a Pubwatch would result in a breach of condition. We trust that the policy merely seeks to encourage Pubwatch membership rather than make it a condition of licences.</p>	<p>As indicated above the measures listed are examples of the kind of standards that the Licensing Authority will expect to see. The list is not exhaustive or all encompassing. Each application will be considered on its own merits and only those measures which are relevant to the nature of both the business and the trade carried on will be taken into account.</p>	No
BBPA	2.3.2	British Beer & Pub Association	<p>“Safe Capacities” There is no mechanism for the Licensing Authority to require applicants to include an occupancy limit in their operating schedules. Such an approach would make a capacity limit a blanket requirement for the vast majority of licensed premises. Again, blanket conditions are prohibited under the new Licensing Act and cannot be imposed except where there are valid objections on a licence on the grounds of public safety. The relevant authority (namely the fire authority in this instance) may advise on those grounds.</p>	As above	No

DCP1	2.3.3	Devon and Cornwall Constabulary	Measures to prevent noise, obstruction and litter nuisance from customers outside smoking and/or drinking. Disposal of waste particularly glass and cigarettes	These matters are sufficiently covered within the indicative list provided.	No
BBPA	2.3.3	British Beer & Pub Association	Provision of welfare facilities for example toilets This is beyond the scope of the Licensing Act – it goes without saying that pubs will provide facilities for their customers but this matter should not be subject to a condition on the licence.	The list provided is used as an indicator for applications for a premises licence this may not be in regard to a pub it may be for an outdoor event or for a premises where the public are not normally present. As stated above the lists are there to guide applicants to consider matters that may promote the licensing objectives they are not exhaustive or relevant to all circumstance and each will be considered on its merits.	No
BBPA	2.3.4	British Beer & Pub Association	“Use of Prove it Card” We refer to our comments above on proof of age cards. (Acceptable forms of “proof of age” should ideally be photo-card driving licence, passport or any PASS accredited proof of age card.) Full range of soft drinks This is a commercial trading matter and is at the discretion of the licensee.	Proof of age Agreed - Policy Amended	Yes
DCP1	2.3.4	Devon and Cornwall Constabulary	Add Implementation of U21 Rule Use of proof of age cards and recognised I.D. cards (N.B Portman no longer issue Prove It cards.		
BBPA	2.6.4	British Beer & Pub Association	Para 2.6.4. – The Association does not recognise the Good Practice Guide on the Control of Noise from Pubs prepared by the Institute of Acoustics which we believe was produced without proper consultation with the industry. We should therefore be grateful if your policy could also include reference to the BBPA guidance – Licensed Property: Noise Control, which is available on our website.	This again is not an exhaustive list of other legislation, strategies, policies and guidance. If other documents that are not listed here are found to be relevant when the merits of the application are being considered appropriate weight will be given to the detail contained therein.	No

CPC1	4.4	Colyton Parish Council	It is noted that EDDC will attach conditions as appropriate given the circumstances of each individual case.	Noted	No
CPC1	4.7	Colyton Parish Council	We note EDDC has formulated a menu of common conditions which applicants are invited to use when formulating their operating schedules. Are these common conditions available?	These conditions have been posted within the Licensing pages of the Council's website. They are intentionally not part of the policy to permit them to be easily up dated when the need is identified.	No
CPC1	7.1	Colyton Parish Council	It is welcome that a Personal Licence Holder can delegate their authorisation. This is essential for smaller premises and in particular Village Halls having no permanent staff.	Noted	No
BBPA	7.2	British Beer & Pub Association	Although the DCMS guidance outlines "good practice" for the authorisation of the sale of alcohol, written authorisation may be appropriate for some premises, but not all, and is <u>not</u> a legal requirement. Ultimately, it is for the DPS to decide how to manage this issue. Also the licensing authority cannot "expect" a personal licence holder to be on the premises at all times as this is not a legal requirement either.	Policy amended for the avoidance of doubt to show that these are expectations of the Licensing Authority and not requirements of the law	Yes
BBPA	9.2	British Beer & Pub Association	The Association welcomes recognition of the "Hampton Principles" within your policy.	Noted	No
DCP	16.2	Devon and Cornwall Constabulary	Add We would expect that the premises participate in their local association.	This is covered within the existing paragraph	No
CPC1	20.1	Colyton Parish Council	TENs – the various restrictions on the issue of TENs needs to be reviewed. For small venues e.g. Village Halls a party licence should be available within two three days as previously dealt with by local magistrates.	This is not a matter for the policy. The Temporary Event Notice (TENs) regime was created and is controlled by the Licensing Act. The Licensing Authority has no control over requirements of the legislation with regards to timescales, frequency and consultation.	No

SPC1	20.1	Shute Parish Council	The various restrictions of TENs need to be reviewed. For small venues a party licence should be available within two or three days.	As Above	No
CPC1	20.3	Colyton Parish Council	Substantially more than the ten working days needs to be qualified	The Licensing Authority is unable to specify a time period that would be suitable as many factors such as court availability are outside of its control. Guidance is given within the paragraphs of matters that need to be considered in determining a time scale for submission of a notice.	No
SPC1	20.3	Shute Parish Council	Substantially more than the ten working days needs to be qualified	As above	No
	21	Devon and Cornwall Constabulary	“Designated Premises Supervisor” Add: It will be expected that the DPS will spend a significant amount of time on the premises. The DPS is contactable particularly should problems arise with the premises.	This is not necessary given the advice on good practice for alcohols sales and responsibility for events given earlier in the policy.	No
CPC1	T O C	Colyton Parish Council	Paragraph numbering does not tally with the text.	This will be remedied upon adoption of the proposed draft policy.	No