

### **Licensing Act 2003 Statement of Licensing Policy – summary of changes**

Initial changes, as featured in first draft:

1. Any reference to 'Taunton Deane Borough Council' or 'West Somerset Council' replaced with Somerset West and Taunton Council. Similarly, any references to the old council websites replaced with the new address.
2. Dates of adoption and contact details identified in 'Adoption and Contact Details', page 2, have been updated.
3. In section 2.0, 'General Principles' on page 4, applicants are advised to make contact with responsible authorities and interested parties before making an application.
4. Additional clarification over the role the authority intends to take with the classifying of films in section 2.2: Children and Cinemas.
5. New section added (2.3 Immigration) to describe the impact of the Immigration Act 2016. This has also changed the paragraph numbering throughout the rest of the section 2.
6. Removed reference to 'Town Centre Manager' at paragraph 3.1.1 as no such person exists in the district any longer.
7. Further information around conditions/representations in section 3.4 'Conditions', including clarity around the procedure followed where an applicant is able to reach a compromise with a person making a representation.
8. Description of the general approach taken to enforcement added under 3.5 Enforcement.
9. Reference to Safety Advisory Group inserted at section 4.3.

Changes made in second draft, following consultation:

10. Reference to Safety Advisory Group inserted at section 4.3.
11. Paragraph 1.1.1: reference to 'Borough' changed to 'District'.

12. Paragraph 1.5.6: reference to 'Borough' changed to 'District'.
13. Paragraph: 2.1.1: references to 'have' and 'their' changed to 'has' and 'its'.
14. Paragraph 2.3.4: '...working for a company who...' changed to '...working for a company which...'.
15. Paragraph 2.5.2.: reference to "...premises will also assist..." changed to "...premises can also assist...". Added paragraph 2.5.3: "Conditions specifying maximum capacities will be imposed where it is determined it is appropriate and proportionate in an individual case."
16. Paragraph 3.1.1: now mentions Business Improvement Districts and Parish and Town Councils.
17. Created paragraphs 2.7.1 and 2.7.2, "Applicants and licence holders are encouraged to read the CCTV guidance published by the Home Office (link to webpage) and Avon and Somerset Constabulary; 'CCTV systems within licensing premises operational requirement guidance' before purchasing and installing a CCTV system." "The licensing authority may at times, when exercising its functions and in cases where it is appropriate and proportionate to do so in an individual case, seek to secure the standard of a CCTV system in a particular premises by referencing the aforementioned guidance in a licence condition."
18. Created section 2.8; 'Garages and motorway service areas' with the following text: "Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas and from premises which are used primarily as a garage, or part of premises used as a garage, being a premises used for one or more of the following:
  - The retailing of petrol;
  - The retailing of derv (diesel);
  - The sale of motor vehicles; and
  - The maintenance of motor vehicles.

The Secretary of State's guidance refers to a licensing authority deciding if a premises is used primarily as a garage where a relevant representation is made and that it may ask the licence holder to provide further information to help decide. To that effect, in instances like that or where the licensing authority or another responsible authority is making enquiries as to the use of the premises, applicants and licence holders are encouraged to be forthcoming with information and/or data to demonstrate the primary use of the premises e.g. sales figures."

19. Paragraph 3.3.2: Inserted new text “Applicants, licence holders and notice givers are therefore reminded, in particular, of the need to be correctly registered with the council’s food safety function and ensure the appropriate form of planning permission is in place, as these are separate regulatory regimes which are not superseded or overridden by an authorisation under the Licensing Act 2003. The council’s website can be consulted for further information on each.
20. Paragraph 3.4.1: included reference to the ten mandatory licence conditions.
21. Paragraph 4.3.1: included reference to the Safety Advisory Group (SAG).
22. Paragraph 4.4.2: DPS clarified as being ‘Designated Premises Supervisor’, with abbreviation following in brackets.
23. Paragraph 4.5.4: reference to ‘Licensing Committee’ removed as the table beneath, at paragraph 4.5.5 does not refer to the Licensing Committee (just the Sub-committee and officers).