

Responses to consultation on draft of Licensing Act 2003 statement of licensing policy

Response 1

From: Carhampton Parish Council

Sent: 22 July 2019 08:06

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: Draft Licensing Policy

Good morning Mr Rendell

Before I presented the Draft Licensing Policy to Members of the Carhampton Parish Council for their comments, I thought I had better read it.

I have come across a number of minor what I believe to be errors which you may wish to take on board although not issue a revised Draft at this stage.

Page 3 para 1.1.1 (end of 1st para) and 1.4.1 (end of last bullet point) both refer to "Borough" – I suggest this should be "District"

Page 4 para 1.5.6 (end of para) refers to "Borough" which probably should be "District"

Page 4 para 2.1.1 (1st Line) should read "The Licensing Authority **has** a duty to review **its** Licensing Policy and **has** therefore...." The Licensing Authority is a single body – this is the only place in the document where it suddenly becomes a plural body!

Page 6 para 2.3.4 (2nd line) should read "working for a company **which is** making said....."

Page 6 para 2.4.2 and 2.4.4 – I am intrigued that Activity has a capital letter but assume that this probably follows regulation speak.

Page 10 para 4.4.2 (2nd line) – what does DPS mean please? I cannot find an earlier reference to such an abbreviation.

Page 10 para 4.5.5 Table Heading (2nd column) – in the text of para 4.5.5 there is reference to a Licensing Committee and Sub-Committee but the table heading only refers to Sub Committee. Interestingly in the Gambling Act document the same table has both!

Page 11 paras 5.2 and 5.4 – the word Act has a capital letter but the sense of the sentence does not refer to an Act of Parliament therefore it should be a lower case a. Likewise on the 7th line (para 5.2) Action has a capital A but doesn't need it.

Page 12 para 6.0 and 6.1 – "non payment" should have a hyphen (as it does in the 3rd line but not the second of 6.1).

Hope you find these comments useful

Alan Hemsley

Statements of licensing policy for the Licensing Act 2003 and Gambling Act 2005

Response 2

From: Andrew Hopkins

Sent: 23 July 2019 10:22

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: RE: Consultation on draft of new Licensing Act 2003 statement of licensing policy

Morning John,

Many thanks for including me in this. I have had a read through of your proposed amendments which I agree with, but would suggest the following amend to 3.1.1 – to mention Business Improvement Districts, Parish and Town Councils as you previously mentioned the Town Centre Manager which is a post (as you say) that no longer exists, but I would suggest we would be the organisations that would work in partnership with SWT on activities of this nature as well as local businesses and residents.

I hope this can be included.

See you soon,
Andrew

Andrew Hopkins
Minehead BID Manager

.....

Response 3

From: Nicola Cooper

Sent: 27 August 2019 11:39

To: Rendell, John <J.Rendell@somersetwestandtaunton.gov.uk>

Subject: RE: Consultation on draft of new Licensing Act 2003 statement of licensing policy

Hi John

Quite a brief policy so if I may add some comments as follows:-

1. Do you have a copy of the “Regulators Compliance Code” and “Environmental Health Enforcement Procedures” as referred to under section 3.2.4? Please could you provide me with copies.
2. What are the “established protocols” you have with Police that you refer to in section 3.5.3. Is it such that you would take on any prosecutions for us as the Licensing Authority as is the case with other Authorities in the A&S Area?
3. I think it would be useful to include all of the other Legislation which is applicable as I think it important that applicants are aware and able to consult other legislation to avoid duplication.

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4. Are you able to include some regarding the relationship with Planning and how the two Depts. Run separately – again applicants are often not aware of this.
5. Finally, please could you give consideration to including “where there is a need to include a provision of a CCTV Surveillance system in order to promote the licensing objectives when a) offered in the Operating Schedule or b) by agreement with the Police or applied by a Licensing Panel an expectation that the system meets the Avon & Somerset Constabulary Operational Requirement and Home Office Guidance.” Or something similar?
6. It would also be helpful to include details regarding garages and s.176 of the Licensing Act and its requirements. Eg. Footfall figures and information on “excluded premises”.

I look forward to hearing from you.

Nicola Cooper 8820 PLPQ ABII Dip CII
Area Licensing Practitioner – Taunton & West Somerset

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Response 4

BBPA’s Feedback on Proposed Revisions to the SoLP

Paragraph 2.4.4 – we would suggest that the Council reiterate their guarantee to evaluate each application on its individual merit. We would also suggest that promoting establishments at which alcohol consumption is not the primary activity should not place licensee applications for pubs, or any establishment where alcohol consumption *is* the primary activity, at any disadvantage. The vast majority of pubs are well-run businesses where alcohol can be bought and consumed in a socially responsible environment, and we would not wish to see pubs penalised due to a generic classification.

Section 2.5 – we would suggest that maximum capacities be evaluated on individual merit and may not necessarily assist, or may even hinder, promoting the licensing objectives listed.

Paragraph 2.5.1 & 2.5.2 – we would suggest this paragraph be better placed in section 2.4 and/or 2.6, and that queue management may be better addressed under section 2.5.

Paragraph 3.4.1 – inclusion of a reference to the “ten mandatory conditions (for alcohol alone)” would be helpful.

Section 4.3 – this should presumably say “it is therefore recommended that applicants contact the Licensing Authority and the Council’s Safety Advisory Group (SAG).”

BBPA contact re this response:

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