

SUMMARY OF WRITTEN REPRESENTATIONS

Cambridgeshire Constabulary

The Divisional Commander considers the draft Licensing Policy to be clear, concise and acknowledges the matters of concern to the Police. Pleased to see reference to promotion of CCTV, door staff, responsible drink promotions, proof of age and membership of pub watch schemes as contributing to reduction of crime and disorder. Requests that late night refreshment outlets demonstrate how they will achieve the licensing objectives.

Comment

It is not felt that any amendment to the draft is required.

Live Music Forum

Wish to see positive stance and encouragement of live music. Suggest a form of words for inclusion in policy to promote live music, dance and theatre.

Comment

Similar wording was included in draft policy.

Royal Society for the Prevention of Cruelty to Animals

Consider that circuses are a form of regulated entertainment as they include music and dance. Recommend that circuses are not permitted on land owned by the Council.

Comment

It will be a question of fact whether a circus provides regulated entertainment and therefore requires licensing. Permission to hold circuses on land owned by the Council is not a matter for the Licensing Committee and the Statement of Licensing Policy.

Campaign for Real Ale – (Huntingdonshire Branch)

Operating schedules should show room divisions, adequate seating and tables and the position of toilets and bars to prevent congestion, over-crowding and faster consumption of alcohol. Support longer opening hours but stress that opening hours are at the discretion of the premises within their licences. Shops and supermarkets should be subject to the same scrutiny in terms of the impact of alcohol supply for consumption on the premises and the presumption in the policy to permit shops to sell alcohol during their normal trading hours should be reviewed. Irresponsible drinks promotions should be avoided. Policies should discourage the rapid turnover of licensees. Temporary events notices should be subject to 20 working days notice prior to the event.

Comment

Draft regulations require plans to show internal walls and bars. Representations made by CAMRA that plans should also show furniture and seating and toilet areas. Shops and supermarkets will be subject to scrutiny by responsible authorities and opening hours can be restricted in appropriate circumstances. The draft policy includes references to irresponsible drinks promotions. No suggestions made by CAMRA as to how the policy can discourage turnover of licensees. Minimum of 10 working days notice for the submission of temporary events notices is specified in the Act.

Campaign for Real Ale

In addition to the above, applicants should be expected to have obtained planning permission and building control approval before submitting applications. The licensing system should act independently of the planning system. The policy should not seek to impose a limit on the number of licensed premises.

Comment

Draft policy complies with guidance issued by the Secretary of State in terms of separation of planning and licensing regimes and that applications for premises licences should normally be from businesses with planning consent. The policy does not include a statement of cumulative effect and applications will be determined on their merits.

Musicians' Union

Pleased to note commitment to live music in draft policy.

Association of Licensed Multiple Retailers

Draft policy is fair, well balanced, clear, concise and easy to follow and understand. Reference to the term Council should be replaced where appropriate by the term licensing authority. Should include reference to licensing objectives as being only matters to be taken into account in determining an application and that any conditions must be necessary to achieve objectives. Welcome recognition of positive objectives of reform. Paragraph 2.6 should include reference to the fact that if no representations are received, the application must be granted in the terms sought with no additional conditions. There is no legal basis for requirement that planning consent is sought first nor that in its absence the licensing authority would refuse an application. The first sentence in paragraph 5.4 should be removed. The policy should make reference to specific exemptions for incidental music. It should be made clear that operating schedules are not required for applicants seeking to convert existing permissions under the transitional arrangements. Whilst a risk assessment is recommended best practice, it is not an absolute requirement and an applicant cannot be obliged to undertake an assessment. Paragraph 7.5 should make it clear that the licensing authority must grant an application in the terms sought in the absence of any relevant representations. The statement of licensing policy does not specifically relate to the transitional arrangements. Committee Members should not hear cases relating to their own ward. It is unnecessary to list certain licensed premises which will give rise to particular concern in respect of children in paragraph 14.2.

Comments

Where appropriate the term Council has been replaced by the term licensing authority. It is not considered necessary to qualify the licensing objectives and the references to conditions. The reference in the policy to planning permission mirrors guidance issued by the Secretary of State. An annex comprising exempted entertainment has been added to the policy. Risk assessments are good practice and not mandatory. The question of Ward Members being involved in hearings that affect their wards will be dealt with in the sub-committee procedure rules. The statutory guidance issued by the Secretary of State requires the statement of policy to highlight areas that will give rise to a particular concern in respect of children.

British Institute of Inn Keeping

The policy should encourage the licensing authority to take a positive view of those who invest in training. The term licensee should not be used in the document as leading to confusion as to whom this applies. In paragraph 3.4, the Act does not permit the licensing authority to make any determination as to the suitability or otherwise of the operating schedule – this is a matter for responsible authorities. The same comment applies to paragraph 7.2. Neither the Act nor the draft regulations make any requirement to show the amount of seating in premises. The Council is commended for the clear and useful explanation of its enforcement and prosecution policy.

Comment

The term licensee has been amended where appropriate. The comments with regard to paragraphs 3.4 and 7.2 are acknowledged and changes made to the policy. The reference to seating mirrors the wording in the statutory guidance issued by the Secretary of State.

British Beer and Pub Association

Welcomes the Council's positive approach to licensing and recognition of cultural and social contribution made by the trade and its importance as a local employer. The wording of paragraph 3.4 is excessive particularly in the case of a conversion of a licence. Similar remarks with regard to Section 7. It should be made clearer that where no representations are received, conditions cannot be imposed that are not volunteered. Although a risk assessment is the best way of deciding the content of an operating schedule, a requirement to carry out a risk assessment goes beyond the provisions of the Act. The licensing authority should have evidence assess references to reputations and known associations for under-aged drinking and drug taking in paragraph 14.2. The Council should be more explicit in supporting the application of proof of age schemes. In Annex C, the Council should refer to itself as responsible authority rather than local authority. Names and addresses of appropriate consultees and responsible authorities should be included in an appropriate Annex to the policy. It should be made clear that mandatory conditions cannot be applied. Whilst supporting the Portman Group Code of Practice, this should not be a licence condition. Annex F comprising the licensing enforcement policy requires updating.

Comment

See above with regard to paragraph 3.4 and Section 7. Paragraph 13.2 makes it clear that conditions cannot be imposed unless they are volunteered or result from representations. Risk assessments are good practice but not mandatory. The reference to under-aged drinking and drug taking mirrors the statutory guidance. The model conditions include reference to proof of age cards but to reinforce this message, this has been added to paragraph 14.4. The definitions in Annex C comply with the legislation. A list of addresses is contained in Annex G. The reference to the Portman Group Code of Practice is contained in the pool of conditions recommended in the statutory guidance. The Council's Enforcement Policy has been amended in Annex F.

Spirit Group Limited

As per British Beer and Pub Association.