

Appendix C – Summary of responses to the Statement of Licensing Policy consultation

Premises Licences/Club Premises Certificates

Comment	Proposed Response
<p>“Absence of consultation with Town and Parish Councils on licence applications” [not a Responsible Authority under the Licensing Act 2003] “ we do not know what events area being planned in our own town”</p>	<p>Consultee to be advised that Town and Parish Councils could be Interested Parties but Government has not appointed them as Responsible Authorities. Town Clerks already receive a non-statutory courtesy spreadsheet of events taking place in their area. The Regulations to the Act provide that all Interested Parties may view the record of the application at the [main] Council offices.</p>
<p>“Surely it is both logical and sensible to involve, directly and openly, parish and town councils, not least to ensure that an appropriate and democratic level of consultation occurs? [and] We do not understand why details of all licence applications cannot be sent automatically to the host parish or town councils – whether in hard copy or digitally – in exactly the same way as planning applications are distributed”.</p>	<p>Consultee to be advised that the Licensing Act 2003 states at section 13(4) of the Act who Responsible Authorities are. They are the bodies, which have to be consulted on applications and they do not include Town and Parish Councils. The Council does not have the power to include more bodies. The applicant in accordance with the legislation is required only to send copies of the application to the Responsible Authorities. Again the Council does not have the power to include more bodies. Interested Parties can view a record of the application at Brympton Way. The Licensing Service does not have the resources to send copies of the applications to Interested Parties. Again the Consultee will be informed that the clerks of Town and Parish Councils are sent a spreadsheet of all applications for premises licences/club premises certificates.</p>
<p>“Paragraph 3.1.1 Is it worth including Yeovil Crime Reduction Team? This would cover business that are not part of pubwatch, Tesco’s & M&S?”</p>	<p>Members to decide</p>
<p>Cumulative Impact Policy – is it worth including Princes Street and High Street?</p>	<p>Consultee to be advised no evidence to include them</p>
<p>“Paragraphs 2.5.3 [relating to litter] uses the words “expects” and “recommends” can we ask for 50 metres clear up or “the vicinity”</p>	<p>Consultee to be advised - Have to be wary, as we cannot duplicate any other statutory regimes, as the Clean Neighbourhoods Act 2005 is the primary legislation for dealing with litter. 50 Metres unworkable.</p>
<p>“The opening hours of nightclubs will not</p>	<p>Consultee to be advised this issue is</p>

Appendix C – Summary of responses to the Statement of Licensing Policy consultation

make any difference if cheap drink can be bought at any time of the day or night”.	outside the control of the licensing authority however the Government looking into matter of alcohol pricing.
“Clubs and food outlets to pay an extra rate to cover Council’s costs to the littering in neighbouring car parks, bus stops and taxi ranks”	Consultee to be advised Government looking into this matter
“Social clubs and pubs have little trouble which involves the police” [comment in connection with cumulative Impact Policy]	Consultee to be advised it will be up to applicant to rebut presumption that new applications for premises licences or club premises will be refused in a cumulative impact area where a representation has been made.
“Planning considerations should be added to reduce the inconvenience of noise and unsociable behaviour to many residents”	Consultee to be advised that planning and licensing are two separate legislative regimes, the Licensing Authority cannot duplicate the planning regime and can only put conditions on licence if receive relevant representation.
“ Future licences should stipulate that any outdoor music should cease at 10.00pm and that moderation of the volume should be exercised at all times”	Consultee to be advised the Licensng Authority is unable to have blanket ban on outdoor music after 10.00pm as it would be fettering its discretion as each case has to be judged on its own merits. Further unable to include this recommendation in the Statement of Licensing Policy as evidence is required, which has not been produced.
“Clubs should have staggered hours when people leave”	Consultee to be advised the Licensing Authority has no power to do this.
Despite the support of volunteers if future police numbers are reduced, this (managing large numbers of inebriated people) could be a bigger problem	Consultee to be advised – Police resources outside Licensing Authority control
Clause 2.3.7 and 3.1.4 – this invalidates the whole of the licensing policy as it does not cover the major problems of over the top consumption and alcohol crime.	Consultee to be advised that clause 2.3.7 is stated in the guidance of Secretary of State issued under s182 of the Licensing Act 2003. Clause 3.1.4 does state that the Licensing Authority shall work closely with other enforcement agencies in the management of the night time economy ...
Clause 1.5.3 problems stated in this paragraph [alcohol related anti-social behaviour] has mainly come about through off sales in supermarkets and other stores that open 24 hours and can sell alcohol all the time they are open and therefore encouraging all hours	Consultee to be advised the Council is unable to have a policy, which bans premises from selling of alcohol 24 hours a day. The Government are however looking into implementing a minimum pricing strategy.

Appendix C – Summary of responses to the Statement of Licensing Policy consultation

home drinking and in public areas.	
“The policy of blanket closing at midnight to all premises includes that the licensing policy does not know the differences between different types of outlets, night clubs, pubs, pub chains, social clubs, members clubs etc., Members clubs have rules that have been set over the years having being set over the years having been scrutinised by the courts right up to the highest level in the country”	Consultee to be advised that clauses 2.32 2.3.3 and 2.3.4 collective state that each application will be judged on its merits with clause 2.3.3 stating that it is not automatically mean that all application will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.

Temporary Event Notices

Comment	Proposed Response (summary)
“I am particularly concerned about the statement that conditions cannot be attached to TEN and would be pleased to see it deleted”	Consultee will be advised that Licensing Authority does not have the power to add conditions to TEN's.
“The Management Committee or the DPS of a village hall are not informed of the issue of a TEN”	Consultee to advised s178 Licensing Act 2003 provides the solution in that the Licensing Authority will notify a person with a property interest in the premises of matters entered into the premises register for a statutory fee of £21 per year.
“[We] are concerned that the recommendation is to increase the number of 10 working days to 28 days. This means that in the event that a site has to be changed ... we would be unable to submit a further application for an alternative site”	Consultee to be advised there is not a change in legislation as they can currently still submit a TEN in line with the 10 working day timescale, but depending on the type of event, a representation is more likely to be submitted by the Police.