

## SCHEDULE OF RESPONSES TO DRAFT LICENSING POLICY

REF	RESPONDENT	COMMENTS	APPRAISAL	RESPONSE
01	Mr Harvey Brown	Is the closing of food businesses in line with alcohol premises a new policy	Yes	ACCEPT It is a proposal in the consultation and will be adopted if the Licensing Authority adopts the proposed policy
02	Topsham Sailing Club	Interested in the direction of the policy which “seem to be a sensible statement of sound management principles” identified little in the way of reference to Private Members Clubs	The law requires a light touch in respect of members clubs and as the majority close early and cause no issues for the licensing authority no difficulties arise. Sufficient powers exist in law to deal with any that may become a problem premises.	There is no need for a section dealing with Clubs as no policy proposals will have any impact on the existing Club Premises.
03	Devon and Cornwall Police	Statistics and data in relation to the Cumulative Impact Policy	There is no suggestion that the CIZ needs to be increased in size but the data supports a retention of the Cumulative Impact Policy	Matter to be determined by Licensing Committee
04	Devon and Cornwall Police	Timescales for introduction of the Policy	Statutory timescales apply	Nothing to be done.

05	Devon and Cornwall Police	Suggesting that an amendment to an operating schedule does not need to go on to a hearing if all parties agree	Statutory provisions apply and there is no means of amending an application save for at a hearing Reg 18(2&3)	REJECT The suggestion is not in compliance with the law
06	Devon and Cornwall Police	Why does the need for a TEN arise when acts involving nudity are proposed	Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2014 provide for this new requirement with effect from 1 <sup>st</sup> October 2014	The proposal reflects a legal requirement.
07	Devon and Cornwall Police	Chapter 16 refers to new closure powers for the police but does not reflect that the same powers are available to Licensing Authorities.	The comment is correct	ACCEPT Statement of Policy be amended to recognise the powers for LA's
08	Devon and Cornwall Police	Reference to legal highs in the document implies safety and legality	The term New Psychoactive Substance or NPS are terms that the general public may not be aware of. The policy states there "is a general increase in illegal and legal high drugs"	REJECT In context the statement is not misleading or inaccurate so no change is necessary
09	Devon and Cornwall Police	References are made to Devon and Cornwall Constabulary	The correct term should now be Devon and Cornwall Police not the one used	ACCEPT Amend the document to use the correct terminology

10	Devon and Cornwall Police	There are references to some of the conditions e.g. being repeated or slightly different wording.	It is accepted that some of the conditions are replicated to ensure they are not limited in their application so where its use can be included in public safety and crime and disorder or individually as appropriate.	ACCEPT The conditions will be double checked and rectified as necessary before presenting to the Council for adoption.
11	Devon and Cornwall Police	Reference is made to reviewing the Cumulative Impact policy	The police licensing office are preparing documents to be submitted in regard to the reviewing / reintroduction of the cumulative impact special policy	Matter to be determined by Licensing Committee after viewing all the evidence submitted in this regard.
12	Devon and Cornwall Police	Good practice guide refers to 5 licensing objectives	This is not part of the policy but it is anticipated that Public Health will become a licensing objective in the not too distant future	REJECT While referring to 5 may be premature, not recognising it will require a review of the policy when it is introduced if not recognised.
13	Devon and Cornwall Police	Consider the use of plastic / polycarbonate as a matter of policy	This sort of requirement sits with a risk assessment of the premises likely activities. A policy could be challenged by small operators whose activities would not usually be considered to be in scope.	ACCEPT This is in the substantive detail of the policy and the code of good practice

14	Devon and Cornwall Police	The policy proposes a shut down time of 02:30 for new alcohol led premises and late night food outlets but the police seek a 02;00 closure of NEW alcohol led premises to ensure a timely dispersal of patrons (this to include off licenses) and 02:30 closure of food led premises	This requirement for new / reviewed alcohol led premises to close at 02:00; to include new off licenses in the Cumulative Impact area and closure of food led premises is a matter that could be taken on board by the Licensing Committee if they felt it reasonable and appropriate in all the circumstances	REJECT Licensing Committee to determine. This, if accepted, but will require further consultation.
15	Devon and Cornwall Police	Reference to supermarkets and off licences within a policy would enable scrutiny of new applications and applications to vary premises licences with regard to store layout and the area from which alcohol may be sold promoting the prevention of crime Objective	This is relevant when applied to premises in the CIZ that are other than pubs and clubs. The proposal to continue with the cumulative impact policy is being sought by the police and evidence will be forthcoming in time for the Licensing Committee hearing	ACCEPT Licensing Committee to determine. This, if accepted, but may require further consultation.

16	Environmental Health Para 1.3	Home Office guidance state noise may become a nuisance at midnight, World Health Organisation suggest 23:00 is the appropriate time	The policy could be amended to reflect the higher standard of the WHO and used where appropriate to address potential noise nuisance.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.
17	Environmental Health 2.3	Insert additional words to extend noise to other than people leaving the premises	Suggestion is not unreasonable and could be accommodated .	ACCEPT
18	Environmental Health para 6.5	Include reference to building structure and the passage of sound and vibration	This sort of requirement sits with a risk assessment of the premises likely activities.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.
19	Environmental Health para 6.6	Make the policy fit the broad terms of the Noise Policy statement for England.	This proposal seeks to make the Licensing Act the primary legislation for dealing with noise nuisance and would be a duplication of statutory powers	REJECT

20	Environmental Health para 6.7 (6.7.1 and 6.7.2 )	Move the guidance to another part (s9) of the policy document Both suggestions refer to management of premises and appear to lie within the powers of other statutory provisions	The guidance is aimed at those applying for premises licenses and it is suggested this is the right place for the information These proposals seeks to make the Licensing Act the primary legislation for dealing with noise nuisance	REJECT Para 6.7 refers to applications for licenses while Para 9 deals solely with the location of premises and potential nuisance arising from that place.
21	Environmental Health para 6.8	Insert the word “managed”	The inclusion of this word makes sense of the phrase and needs to be included	ACCEPT
22	Environmental Health 9.2 (Similar to 15 above)	Amend the sentence to read 23:00 instead of midnight	The policy could reflect the higher standard of the WHO and used where appropriate to address potential noise nuisance. These proposals seeks to make the Licensing Act the primary legislation for dealing with noise nuisance	REJECT
23	Environmental Health PN 2-3-4	Delete conditions PN 2/3/4 and amalgamate as one condition including the installation of a noise limiting device in every case	This proposal is not consistent with the Statutory guidance (2.20) which states that licensing authorities should be aware of imposing inappropriate or disproportionate conditions- noise limiters are likely to be a considerable burden on businesses.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.

OTHER PROPOSALS (New conditions)				
24 Environmental Health	New Condition	Introduce a new condition stating External doors to be fitted with self closing devices and shall not be propped or held open except for the immediate access and egress of persons	This sort of requirement is not consistent with the S182 Statutory guidance (2.20) which states that licensing authorities should be aware of imposing inappropriate or disproportionate conditions.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.
25 Environmental Health PN6	Modified condition	Modify the proposed condition to read External lighting must be positioned so as not to cause nuisance to occupants of neighbouring properties	This sort of requirement is not consistent with the Statutory guidance (2.20) which states that licensing authorities should be aware of imposing inappropriate or disproportionate conditions	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.
26 Environmental Health PN7	New condition	The condition relating to ventilation and/ or extraction systems the design siting shall be agreed with the L A Environmental Health Officer prior to any installation taking place. The system shall be installed and operated as agreed thereafter”	These proposals appear to suggest the Licensing Act is the primary legislation for dealing with noise nuisance. This also appears to contradict new planning guidance requiring that premises built or adapted near licensed premises should ensure they are adequately attenuated against noise/vibration impact	ACCEPT May be applied on review of a premises when evidence of nuisance will exist.

<p>27 Environmental Health</p>	<p>New condition.</p>	<p>Introduce a new condition providing that no external plant etc shall be installed unless the design siting and maintenance of the equipment has been agreed with the Local Authority Environmental Health Officer The system to be installed and operated as agreed thereafter.</p>	<p>These proposals appear to suggest the Licensing Act is the primary legislation for dealing with noise nuisance. This appears to contradict new planning guidance requiring that premises built or adapted near licensed premises should ensure they are adequately attenuated against noise/vibration impact</p>	<p>ACCEPT May be applied on review of a premises when evidence of nuisance will exist</p>
<p>28 Environmental Health</p>	<p>New condition.</p>	<p>Introduce a new condition stating that there shall be no deliveries to the premises between 22:00 and 08:00 on any day.</p>	<p>Suggestion is not unreasonable and could be accommodated</p>	<p>ACCEPT</p>
<p>29 Environmental Health PN18</p>	<p>New / modified condition</p>	<p>No noise shall emanate from the premises or vibration be transmitted through the structure of the premises which gives rise to a nuisance</p>	<p>The revised form of words do not appear to add or detract from the original consultation wording</p>	<p>ACCEPT</p>



30 Environmental Health	New condition.	There shall be no regulated entertainment [in the lobby or] outside the premises building [during the hours between X and Y] on any night	Until 23:00 hours there is unlikely to be regulated entertainment at any premises in the near future.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist
31 Environmental Health	New condition.	There shall be no music or amplification of sound outside the premises building	If “regulated entertainment and /or times specified” were included in the suggestion it could accommodated	ACCEPT May be applied on review of a premises when evidence of nuisance will exist
32 Environmental Health	New condition.	The (specified part of the) outside area shall not be used between the hours of X and Y on any night	This proposal is not consistent with the S182 Statutory guidance (2.20) which states that licensing authorities should be aware of imposing inappropriate or disproportionate conditions-noise limiters are likely to be a considerable burden on businesses.	ACCEPT May be applied on review of a premises when evidence of nuisance will exist

33 Environmental Health	New Condition	Noise levels emanating from the premises [between X and Y] and measured at [location] shall not exceed [specify level]dB when measured as a [insert metric, e.g.5 minute LA max]	If “regulated entertainment and /or times specified” were included in the suggestion it could accommodated	ACCEPT With modification may be applied on review of a premises when evidence of nuisance will exist
34 Environmental Health	New Condition	No regulated entertainment shall take place at the premises unless conducted in accordance in full accordance with a Noise Management plan. The Noise management Plan shall be agreed in writing with the Local Authority Environmental Health Officer.	This sort of requirement is not consistent with the S182 Statutory guidance (2.20) which states that licensing authorities should be aware of imposing inappropriate or disproportionate conditions	ACCEPT May be applied on review of a premises when evidence of nuisance will exist

35 Environmental Health	Other suggestions (See also response 10 above)	Standardise wording of conditions in various sections	It is accepted that some of the conditions are replicated to ensure they are not limited in their application so where its use can be included in public safety and crime and disorder or individually as appropriate.	ACCEPT The conditions will be double checked and rectified as necessary before presenting to the Council for adoption.
36 Environmental Health	Other suggestions	Move and combine conditions in various sections	It is accepted that some of the conditions are replicated to ensure they are not limited in their application so where its use can be included in public safety and crime and disorder or individually as appropriate	REJECT Para 6.7 refers to applications for licenses while para 9 deals solely with the location of premises and potential nuisance arising from that place.