

SCHEDULE OF RESPONSES TO DRAFT LICENSING POLICY

REF	RESPONDENT	COMMENTS	APPRAISAL	RESPONSE
01	Mr Robin Quant of the Wonford Community and Learning Centre	The view of the Board is that with the exception of the two proposed changes there is little need for further change and the Board supports the continued use of the extant Policy as amended.	<ol style="list-style-type: none"> 1) To include the changes to door supervision in the Policy. 2) To amend the Policy guidance to include reference to clearer advertising when adult entertainment is proposed at premises. 	<p>Policy change to include change to door supervision requirements</p> <p>Policy change to include reference to clearer advertising when adult entertainment is proposed</p>
02	Cllr Paul Smith	Devon Fire and Rescue service has merged with Somerset. Pubwatch appears to be similar to City Centre anti crime scheme	<ol style="list-style-type: none"> 1) Change name of the responsible Authority to Devon and Somerset Fire and Rescue Service 2) The schemes are similar but the Pubwatch scheme is applied across the City not just in the Centre 	<p>Agreed, change the name of the Responsible Authority.</p> <p>Leave the references to Pubwatch where appropriate</p>
03	Mr Michael Miller (Community safety strategy)	Has suggested a few amendments, some cosmetic, others where things have changed. There are several references to "dcms" but also to "DCMS". Not sure if that	<ol style="list-style-type: none"> 1) Cosmetic changes to tidy things up 2) Remove reference to Crime and Disorder reduction Strategy, as this is the same as the 	<p>Details identified and amended as appropriate</p> <p>Agreed references removed</p>

		might cause any confusion.	<p>Community Safety Strategy.</p> <p>3) Reference to Devon Fire Safety should now include Somerset.</p> <p>4) Remove reference to Alcohol task group, as this is part of the Community safety group.</p> <p>5) Grammatical error in paragraph 15.1</p> <p>6) Grammatical error in 16.2</p> <p>7) Amended objectives for Community Safety strategy for 2005 – 2008 plus grammatical error in “key aspects” section.</p>	<p>Agreed, change the name of the Responsible Authority.</p> <p>Agreed, references removed.</p> <p>Error corrected</p> <p>Error corrected</p> <p>Amended objectives accepted and Policy amended accordingly</p>
04	Mr Bill Price Community and Environment Administration		Suggestion to include reference to Sex and Race Discrimination Legislation at 2.5	Race and sex Discrimination are Employment matters and not direct licensing considerations. Suggestion not accepted. (See point 2 below from Head Of Environmental Health Services)
05	Head Of Environmental Health Services	1) The policy should be more robust with regard to	Although moral issues are not part of the licensing	Accepted as submitted

		<p>nudity and striptease.</p> <p>2)The policy should be more robust with regard to Equality and Diversity issues</p>	<p>role, ensuring the protection of children in this context is a valid proposal and could be accommodated.</p> <p>Similar proposal to that above and in this context is valid.</p>	Accepted as submitted
06	St David's Neighbourhood Partnership	<p>1) Trouble from premises affecting premises on the walk through should be taken into consideration in the Policy</p> <p>2) More weight should be given by the licensing Authority to issues arising from and relating to the</p>	<p>Areas outside licensed premises are not the responsibility of the Licence holder. This is covered by the duties on Police and would be a duplication of a statutory function, which is not permitted. If the Police had issues with an application they could raise representations.</p> <p>The Licensing Authority can only engage in any issues of nuisance and disorder if relevant</p>	<p>Request not accepted</p> <p>Request not accepted</p>

		<p>likely levels of nuisance and disturbance.</p> <p>3) The strategies that the Licensing Authority will have regard to at paragraph 2.5 should be broadened to include planning for the future and used to reduce the levels of alcohol related anti-social behaviour and crime</p>	<p>representations are made and then any imposed conditions must be proportionate to the nuisance witnessed and evidenced.</p> <p>This is broadly similar to the request to take on board the Community safety strategy at 03 above and already encompasses the Local Plan although this proposal would be better addressed as part of a “Cumulative Impact” proposal from a responsible Authority if the evidence were available to support it.</p>	<p>The part of the proposal that refers to the Community safety strategy (Formerly the Crime and Disorder reduction strategy) is accepted. The element that relates to reducing the potential for disorder cannot be accepted, as it is not from a Responsible Authority.</p>
07	Assoc. of Multiple retailers	<p>1) Feels the policy should state that the licensing objectives are the only matters to be taken into account when setting conditions on a licence.</p>	<p>The statutory requirements state that conditions can only be set to promote the licensing objectives. The suggestion is that the Policy at 2.2 shifts the burden and indicates the Licensing Authority will intervene and only issue a licence when it is satisfied</p>	<p>Comments on 2.2 accepted.</p>

		<p>2.) Feels the Policy should state that the Licensing Authority couldn't impose conditions unless relevant representations are received and their discretion engaged. Further any condition attached must be related to the Licensing objectives and proportionate.</p> <p>3) The references to conditions at 17.1 and 18.1 appear to be ultra vires. Applicants cannot be required to demonstrate measures to prevent Public nuisance or impose capacity limits unless relevant representations on those objectives are made.</p>	<p>even if there have been no representations.</p> <p>The Policy state at 4.4 that the Licensing Authority will avoid imposing disproportionate conditions. It goes on to state at 4.6 that the Licensing Authority may if its discretion is engaged impose conditions.</p> <p>These are similar points to that at 07/1 above</p>	<p>Comments on unnecessary conditions already addressed.</p> <p>Comments regarding to conditions only relating to Licensing objectives already addressed.</p> <p>Comments on 17.1 and 18.1 accepted</p>
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