

from: Richard Matthews [mailto:richardmatthewsbba@hotmail.com]

sent: 20 September 2007 10:06

to: kevin.barron@lincoln.gov.uk; licensing@ashfield-dc.gov.uk; steven.lambert@ambervalley.gov.uk;
roy.eaton@nwleicestershire.gov.uk; licensing@gedling.gov.uk; Customer Services; nicholas.bramhill@northlincs.gov.uk;
licensing@derbyshiredales.gov.uk; jdwyer@rutland.gov.uk; licensing@bolsover.gov.uk; licensing@derby.gov.uk;
phil.hinch@west-lindsey.gov.uk; dcollings@rushcliffe.gov.uk; ldavies@melton.gov.uk; tim.coulson@nottinghamcity.gov.uk;
mark.brymer@hinckley-bosworth.gov.uk; rachel.hall@leicester.gov.uk; licensingteam@n-kesteven.gov.uk;
sue.bosworth@peterborough.gov.uk; crowlsto@mansfield-dc.gov.uk; glyn.robinson@bassetlaw.gov.uk;
licensing@southkesteven.gov.uk; s.gledhill@harborough.gov.uk; licensing@broxtowe.gov.uk; david_harper@n-kesteven.gov

subject: Proof of Age schemes

Dear Licensing Officer,

I know that many of you are currently reviewing your draft policies and this message is to alert you about an important change to one of the leading Proof of Age schemes just in case you may have named the scheme specifically in your draft policy.

You will see from the following link <http://www.portmangroup.org.uk/?pid=26&level=2&nid=299> that the Portman Group has decided to stop issuing its Proof of Age card although existing cards will still be accepted.

This may affect licensing policies of course if the Portman Group card has been recommended by name instead of a generic reference to cards accredited under the Proof of Age Standards Scheme (PASS).

Other cards under the PASS scheme including Citizen Card, Validate and PASS approved local scheme will be of course continue to operate in the normal way.

Many thanks

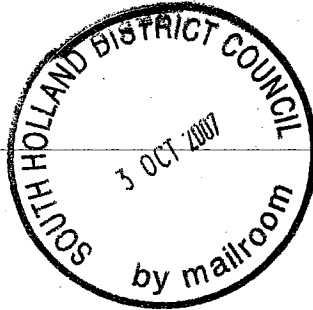
**Richard Matthews,
Regional Secretary,
British Beer and Pub Association Midland Counties**

tel. 01562 67708 or 0777 5678561

25/09/2007

03 OCT 2007

Mr C Fowler
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE



Field Operations Directorate
Midlands Division

Mr D G Lloyd

City Gate West
1st Floor
Toll House Hill
Nottingham
NG1 5AT

Tel: 0115 9712800
Fax: 0115 9712802
Donald.lloyd@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

Administrative Team Leader
Miss B. Walker

Date: 28/09/2007

Dear Sir,

Licensing Act 2003
Part 2 S. 5 – Statement of Licensing Policy

I refer to your letter and Draft Licensing Policy Statement of 29 August received at this office on 03 September.

Although HSE is a statutory consultee where it is the enforcing authority for the Health and Safety at Work etc Act 1974 for specific premises subject to a License application or variation, it is not a statutory consultee for statements of licensing policy.

Accordingly HSE will not be commenting on the authority's Statement of Licensing Policy.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D G Lloyd', written over a horizontal line.

Mr D G Lloyd
Administrative Officer

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

To: Craig Fowler
Team Leader, Food, Safety & Licensing

From: Jim Scarsbrook
Head of Customer, Legal and Member Services

Our Ref: JAS/LJB

Date: 3 September 2007

Subject: **Licensing Act 2003**
Part 2, Section 5 – Statement of Licensing Policy

In response to your consultation letter of 24 August my only comments are:

- It would have been helpful if changes to the existing Statement of Licensing Policy were identified, say in italics.
- Under the section "Introduction", the last sentence on page 3 and going onto page 4 refers to the evening and nighttime economy of town centres. What about villages? The sustainability of our villages is a key issue and the evening and late night economy can play an important role in sustainability.
- Under the section "Cumulative Impact", the penultimate paragraph (including bullet points) and the last paragraph, if these are included it is imperative that the Council is proactive in tackling these in this way, someone must take ownership rather than leaving to chance.
- Representations submitted, particularly from interested parties, in respect of premises licenses often focus on previous experiences/problems arising from the premises. It would be useful if the Licensing Policy Statement addressed this issue.

In addition to the above there are certain typographical amendments:

- Under the section "Integrated Strategies and the Avoidance of Duplication", the last word in the third paragraph "the" is unnecessary.
- In the section "The Licensing Process", in the penultimate paragraph the word "event" is incorrectly spelt and in the final paragraph "notwithstanding" is one word.

Thank you for consulting me. I hope that the above is of use.

Yours sincerely

Jim Scarsbrook
Head of Customer, Legal and Member Services

From: Dr Martin Rawlings MBE, Director Pub & Leisure
Direct Line: 020 7627 9141
E-mail: mrawlings@beerandpub.com



Licensing Team
South Holland District Council,
Council Offices,
Priory Road,
Spalding
PE11 2XE

licensing@sholland.gov.uk

24.10.07

Dear licensing officer,

RE: LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in the South Holland area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies, which includes security in design, drugs, drinks promotions, noise control and health and safety.

The BBPA believes that the implementation of the Licensing Act 2003 has been successful to date and is encouraged by reports of decreased levels of disorder associated with licensed premises. We welcome this opportunity to provide comments as part of this licensing policy review. This response is also supported by BII, the professional body for the licensed retail sector. Our main observations are as follows:

The draft policy has also recognised one of the key principles of the Licensing Act 2003, namely that each application must be treated on its own merits (licensing process, page 4).

The council also recognises on page 2 that it cannot attach conditions unless they are either volunteered by the applicant or are determined by the licensing authority following representations being upheld from responsible authorities or interested parties.

Integrated strategies and the avoidance of duplication

All applications relating to premises licences or club premises certificates will normally only be considered where the activity to be authorised is a lawful planning use

- ✗ The council has no power to refuse to grant or vary a premises licence on the grounds that the applicant does not hold planning consent and there may be perfectly valid reasons why the premises licence is being applied for or at the same time. The policy should therefore reflect this.

In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention

- ✓ The council must not use the Act as a means for enforcing other statutory requirements but only consider the licensing objective to which any relevant representation relates.

Licensing Hours

- ✗ The reference in the last paragraph of this section is misleading as conditions could only be attached following representations irrespective of whether the premises were in a residential area.

Licensing Authority "Expectations"

The draft policy contains some very specific expectations particularly in the sections on promoting the licensing objectives (pages 7,8,9) which we believe could give rise to the same complaint as was dealt with by the Judicial Review of the Canterbury City Council policy. The judgement in that case clearly stated that licensing authorities should not mislead applicants into believing that they must meet certain requirements. The expectations listed in the draft policy could be construed as the licensing authority requiring applicants to offer a significant number of restrictions in their operating schedules.

The lists of measures expected to be addressed may be recommended good management practice but if they are to be listed they should be given as examples with an explanation that they would not be applied in all cases, or alternatively deleted as they are in excess of that required by the legislation. Many of these measures given do not easily translate into conditions on licences and would be unenforceable.

Far better for the Council to encourage applicants to consider certain measures but this is not a requirement.

We will deal with some of the issues as follows:

Prevention of Crime and Disorder

Use of toughened drinking glasses or plastic containers

It would be helpful if there was a reference to the following approach outlined in the National Alcohol Strategy on alternatives to glass, namely a risk based, per premises approach.

"The Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries."

The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This is available on our website at www.beerandpub.com.

The Provision of Closed Circuit Television(CCTV) systems

These may be necessary for certain premises but there is certainly no blanket requirement for CCTV to be provided.

Participation in a scheme to reduce crime and disorder e.g. Pub Watch Schemes

As a major supporter of National Pubwatch we are very keen that public houses participate in their local Pubwatches, but we are opposed to such participation being a condition of the licence. Pubwatches are voluntary organisations and membership must remain voluntary if they are to be effective. They are also co-operative bodies that must be able to determine their own membership, which would become almost impossible if leaving a Pubwatch would result in a breach of condition. We trust that the policy merely seeks to encourage Pubwatch membership rather than make it a condition of licences.

Public Safety

Suggested occupancy figures

It is understandable that the council may be considering occupancy capacities for certain large-scale premises or events but there is certainly no blanket requirement within the Licensing Act for premises to declare one on the operating schedule. Further clarification may be needed here.

Physical safety features (e.g. the use of toughened drinking glasses or plastic containers)

See comments in "Prevention of Crime and Disorder"

Fire evacuation procedures

Covered by existing legislation

Applicants will also be expected to show that they have undertaken a full risk assessment in respect of the premises and activities, including a fire risk assessment.

The Association is very much in favour of the use of risk assessments, but the expectation for applicants to show they have undertaken a risk assessment to support an application is not a requirement under the Licensing Act 2003. We believe that this reference should either be removed or amended to as to be a recommended practice rather than a requirement. A fire risk assessment is required under separate legislation, the Regulatory Reform (Fire Safety) Order, but is not required under the Licensing Act so this reference should also be deleted as it duplicates existing legislation.

Prevention of Public Nuisance

Many of the examples of control measures listed go way beyond the requirements of the Licensing Act and a number take a subjective view i.e. "effective and responsible management of premises," "appropriate instruction, training and supervision," "effective management of vehicular traffic," "effective ventilation systems" etc. which would make them impossible to translate into conditions. Conditions should be specific and should not seek to "micro-manage" premises.

Availability of public transport/ liaison with public transport providers

Registered in London
No. 1182734
Registered Office
Market Towers
1 Nine Elms Lane
London SW8 5NQ
A company limited
by guarantee

How a customer travels to and from premises is clearly outside the control of the licensee and this is an unrealistic expectation which should be deleted.

Adoption of best practice guidance

(NB. The BBPA has guidance for members on managing noise. It does not recognise the Institute of Acoustics Good Practice Guide which was produced without the input of the industry).

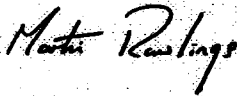
There is no requirement for applicants to carry out noise impact assessments.

Protection of Children from Harm

We commend the reference to proof of age schemes but would suggest that the Citizen Card reference could be deleted and the words "bearing the PASS (Proof of Age Standards Scheme) logo" are added to "accredited proof of age scheme identity card" line.

We trust that you will find these comments helpful and look forward to any response you may have. We would also appreciate being listed as a consultee in any further licensing related consultations.

Yours sincerely,



Dr Martin Rawlings