

Summary of comments and responses on draft Licensing Policy

Originator	Parag No.	Comment	Response
Barlow Poyner Foxon	5.3	Decision not to allow sales at particular times based on all licensing objectives, not just the ones quoted	Policy amended
Barlow Poyner Foxon	5.5	Development Plans not relevant to Licensing Act 2003; licensing objectives are the important thing	Policy amended
Barlow Poyner Foxon	6.3	Typographical error	Policy amended
Barlow Poyner Foxon	11.18	Goes too far in suggesting that a religious aspect could impact upon the definitions of the licensing objectives. Final paragraph is inappropriate.	Wording amended and final paragraph deleted
Greene King	8	Implies that capacity limits are required where there is regulated entertainment, when really it is dependent on the nature of the entertainment.	Wording amended
Greene King	9	Prevention of noxious smells and reduction of light pollution are adequately covered by existing legislation and shouldn't be duplicated	Deleted
Greene King	13	Need to clarify that conditions can only be attached form operating schedule or following representations upheld at hearing	Wording amended
Leicestershire Fire & Rescue Service	8.1	Change wording to reflect new legislation	Wording changed
Leicestershire Fire & Rescue Service	11.14	Change Fire Service to Fire & Rescue Service Change wording to reflect new legislation	Wording changed Wording changed
Leicestershire Fire & Rescue Service	15	Include a sentence that notifies applicants for a TEN that they need to inform the Fire & Rescue Service if the occupancy exceeds 499 persons	If occupancy exceeds 499 persons a TEN is not applicable, therefore this suggestion has not been acted upon
Planning	5.5 & 11.4	Contradict each other	Section 5.5 amended (see above)
British Beer & Pub Association	General	General comments on licensing policies	No action as it appears that we already comply with their comments

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Trading Standards	10.8	Requests additional wording re proof of age	Additional wording included
Andrew Collins (CAMRA)	7.7	Only enforce plastic drinking vessels where there is a history of glassware being used as weapons	The policy already states that the measures are examples of action that could be taken in particular circumstances
Andrew Collins (CAMRA)	General	There is a contradiction between the policy discouraging outdoor drinking and the Council's encouragement of street cafés	Parag 7.2 refers to open containers of alcohol being taken from premises and therefore beyond the control of the licence holder / DPS. Street cafés are different as anyone drinking at one is considered to be still within the control of the licence holder / DPS.
Philip Tiplady (Leicester CAMRA)	4	Should be possible to open new premises which offer a quality drinking environment – ie, high quality ales and wines without loud recorded music and widescreen sports that attract those committed to causing disorder	This is possible. An application that does not attract representations will be granted automatically, even if in the cumulative impact area.
Philip Tiplady (Leicester CAMRA)	7	Use of CCTV should not be imposed on well-managed public houses where an increase in cost may damage the viability of the premises	Additional conditions will only be imposed following a hearing, which will only take place if representations are received. Any such conditions will be relevant to the representation.
Philip Tiplady (Leicester CAMRA)	7	Support attempts to stop irresponsible drinks promotions	Noted.
Philip Tiplady (Leicester CAMRA)	7	Don't support plastic glasses being required in all premises in a particular. Plastic may be appropriate for particular premises with a history of problems of disorder.	Additional conditions will only be imposed following a hearing, which will only take place if representations are received. Any such conditions will be relevant to the representation.
British Beer & Pub Association	6.2	Licensing Authority has no power to expect a thorough risk assessment	Policy amended to 'strongly recommends'
British Beer & Pub Association	7	Some of the examples / expectations the authority would 'support' are unenforceable or	In the absence of specific details, policy unchanged.

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		<p>undesirable as conditions, although the BBPA supports many as good practice</p> <p>Needs to be clear that authority cannot attach conditions unless volunteered by applicant or following hearing where representations are upheld.</p>	<p>Believe this is clear in the policy already – no further changes made</p>
British Beer & Pub Association	8	<p>Some of the examples / expectations the authority would 'support' are unenforceable or undesirable as conditions, although the BBPA supports many as good practice.</p> <p>Needs to be clear that authority cannot attach conditions unless volunteered by applicant or following hearing where representations are upheld.</p>	<p>In the absence of specific details, policy unchanged</p> <p>Believe this is clear in the policy already – no further changes made</p>
British Beer & Pub Association	14.2	<p>Law does not require DPS to be on the premises at all times</p>	<p>The policy does not suggest that this is the case, merely sets out the licensing authority's suggestion of good practice</p>
British Beer & Pub Association	16	<p>Would welcome recognition of the Hampton principles of inspection and enforcement, which are:</p> <ul style="list-style-type: none"> • No inspection should take place without a reason • Regulators should recognise that a key element of their activity will be to allow or even encourage economic progress and only intervene when there is a clear case for protection 	<p>This is probably appropriate for inclusion in the policy, but need to check</p>