

Summary of comments and responses on draft Licensing Policy

Originator	Reply No.	Comment	Response
Barrister/licensing specialist	2	<p>One of the key principles of LA 2003 is that the measures should be risk-based, related to the circumstances of the premises/locality. It is wrong in principle to push general measures to all premises of a certain type - e.g. sound insulation will depend on nearest neighbours, previous problems, character of premises, type of entertainment, hours of operation; each of the above steps MAY be useful in appropriate circumstances, and all of the above are already available as potential conditions.</p> <p>The "authority's aspirations in relation to licensing matters" does not really help to understand what the question is driving at.</p>	<p>This is accepted. We cannot, and don't intend to, impose conditions on any premises or operator. What we would like to do is create a policy that sets out both the legal requirements and gives guidance to operators, responsible authorities, interested parties and councillors about what the Licensing Authority believes is good practice.</p>
Anonymous member of the public	3	<p>Pubs and bargain booze type shops too close to houses and on street parked cars should be closed down - full stop. Some drunks scratch cars on their way home.</p>	<p>The Licensing Authority is not able to act in this way. Premises may only have their licences revoked following a review hearing, as a result of proven problems at the premises. Any decision to revoke must be necessary and proportionate with regard to the promotion of the four licensing objectives.</p>

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		<p>Shops selling just mainly alcohol should be banned. They make the areas look run down and cause decadence</p> <p>Apart from night clubs - no place should be allowed to sell alcohol after 12pm if city centre based.</p> <p>If near to houses and on street car parked, then should be closed down - full stop</p>	<p>As above</p> <p>The early morning alcohol restriction orders that the government MAY bring into effect will only allow the Licensing Authority to restrict the sale of alcohol between 03.00 and 06.00 hours.</p> <p>As above</p>
Leicestershire Fire & Rescue Service	7	Informing licence holders on their responsibility towards the Regulatory Reform (Fire Safety) Order and in particular their obligation to have a suitable and sufficient Fire Risk Assessment	Noted. This will be considered for information and advice publications and during compliance checks.
Interested organisation	8	No Bars or clubs should be allowed to open after 2am	The early morning alcohol restriction orders that the government MAY bring into effect will only allow the Licensing Authority to restrict the sale of alcohol between 03.00 and 06.00 hours. The geographic extent of any such restriction is a matter for the authority, following consultation.
Anonymous	9	Number of licensed properties in an area. Proximity to residential areas.	'Need' is a planning matter.

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member of the public		<p>Access of users to licensed properties and how arrival and departure can lead to minimal disruption of neighbouring businesses and residential areas (disruption through litter, noise, anti-social behaviour, vandalism etc)</p>	<p>Cumulative impact policies may be introduced to deal with areas already 'saturated' with licensed premises, leading to problems with crime &amp; disorder or public nuisance.</p> <p>The impact of licensed premises may be minimised in some cases by the licence holder operating in a certain way. (Eg, asking customers to leave quietly, contracting a local taxi firm with an understanding that they won't sound their horns to signal arrival, employing door supervisors to oversee the departure of customers in an orderly manner). In cases where problems do exist, a review may be sought by a responsible authority or interested party.</p>
Member of the public	10	<p>"There are 13 licensed premises in Churchgate, 82 in the Braunstone Gate/Narborough Road area and 10 in Belvoir Street." - Mercury I'm surrounded by licensed premises. You can hear music from these premises in the early hours. And it's impossible to sleep when customers leave. Where's the sense in having more late premises in the residential Braunstone Gate/Narborough Road area than in the city centre? Premises</p>	<p>Noted. One part of the consultation document was dedicated to 'cumulative impact' and asked for suggestions about the extent of the existing special policy and whether any more</p>

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		near where people live should have sensible closing times and restrictive music policies. Customers should also be prevented from drinking outside in the open air after certain times.	were necessary. Braunstone Gate and Belvoir Street were specifically mentioned due the the concentration of premises there in relation to the length of road. Premises that cause noise nuisance may have their licences reviewed upon application (as described above). The Licensing Authority may only refuse applications for new or varied licences where representations are received. Such representations could relate to the points raised in this comment.
Member of the public	14	At present it appears that the council does not care if every other shop opening in an area was a licensed premises? you have to ask the question is there a need for another off licence or licensed premises? in the same way that the question should be asked do we need another post office or butchers shop. this is surely a sensible approach which will help the local economy and the residents alike?	'Need' is a planning matter, and not a licensing consideration. Even if a cumulative impact policy is in place, the licensing authority must still grant a licence if no representations are received. If representations are made, each case must be considered on its merits and the decision must be necessary and proportionate with regard to the promotion of the four licensing

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			objectives.
Member of the public	18	I would want you to review the criteria you use for people to object to a new license because I don't want all our shops (particularly in small local shopping areas) having to sell alcohol in order to make a profit. People should be able to object to any application for an alcohol license on the grounds of cumulative impact and because they feel the area is already saturated with outlets selling alcohol	The Licensing Act 2003 sets out the criteria against which representations may be considered, ie, the promotion of the four licensing objectives. Cumulative impact can only be considered where there is a formal policy on cumulative impact in place for the area concerned. In all other cases, each application must be considered entirely on its own merits.
Interested organisation	19	New licenses should not be issued when already provided for in the area.	The licensing authority is obliged to grant all applications that do not attract any representations. Where representations are received, the authority cannot take account of 'need', which is a planning matter.
Anonymous member of the public	20	I can't understand the need for any premises to be open until 6am selling alcohol. What happened to clubs closing at 2am?? We need some joined up thinking here. The NHS are talking about alcohol and related illnesses, The police are stretched and this is costing the taxpayers a lot of money when places need to be policed more rigorously and alcohol abuse leads to crime.	Applicants are entitled to apply for the hours they wish to use – this is a feature of the Licensing Act 2003. The licensing authority's discretion is only engaged when relevant representations are received.

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			Any decision to amend the hours or activities applied for must be necessary and proportionate, based on the four licensing objectives. Such amendments must also be relevant to the representations received.
Member of the public	23	The cost of licences for live entertainment can be prohibitive for small venues like pubs, clubs and are too wide-ranging - say for spontaneous music like a small gathering with guitars and a bit of singing which makes a place attractive without causing nuisance.	The fees for all applications made under the Licensing Act 2003 are prescribed by central government and cannot be altered by the licensing authority
Business	26	I can only comment on Belvoir Street but the saturation level for clubs/pubs, licences has been surpassed. The area has gained an unwelcome reputation that has severely impacted on the daytime economy	A cumulative impact policy is being considered for the Belvoir Street area.
Member of the public	29	Opportunities for young people to get cheap alcohol must be restricted for their own protection. They should not extend to petrol stations.	The Licensing Act deals with under age sales and proxy purchasing, and all premises licences and club premises certificates are now subject to mandatory conditions regarding proof of age. A premises licence may be granted to a petrol station, but the licence does not have effect if the premises is used solely or primarily as a garage (ie, if more people visit for petrol, oil, etc rather than for

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			groceries, newspapers,etc)
Interested organisation	32	<p>You should stagger closing times but prevent club from allowing people in after (2am) this will enable people to filter away and avoid trouble</p> <p>Aspiration to encourage people to remain in the city 5pm to 10pm, cafe society, good management through Best Bar None, dispensations for charity and community initiative and BBN accreditations. It is a partnership to create a vibrant city not a police state.</p>	<p>This could be suggested as best practice, but blanket conditions on all existing or new licences are not permitted. This may be introduced as part of the government's rebalancing the Licensing Act agenda</p> <p>Whilst these aspirations are outside the remit of the licensing policy, we will work to promote a vibrant nigh time economy.</p>
Member of the public	33	<p>Extending the policy on cumulative impact to include Clarendon Park Rd will help to limit the number of under age drinkers getting alcohol, anti-social behaviour, noise and nuisance behaviour. This is important to many residents, as Clarendon Park is still predominately residential. The effect on the local community is massive particularly during term time when the students bring drink fuelled anti social behaviour giving more and later outlets selling alcohol will increase this problem later and later into the evening, causing more problems for the local residents, and the police who are already facing huge cut backs and their ability to tackle ASB is bound to be reduced.</p>	<p>We have not received evidence, (other than anecdotal evidence) of sufficient problems with crime and disorder or public nuisance to justify the introduction of a cumulative impact policy for the Clarendon park area.</p>
Member of the public	34	<p>The 24 hour economy has generally increased anti social behaviour. Greater awareness/acceptance that City Centre Residents suffer enormously from the problems of drunken anti social behaviour. Residents also have to have their rights acknowledged - there is only now a growing acknowledgment that residents/visitors have equal rights to a safe/secure/quiet environment</p>	<p>The policy will say that the needs of businesses and residents must be balanced against one another. In accordance with the 2003 Act</p>

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		<p>at least during the night-time hours</p> <p>Equal rights of residents as opposed to just the right of people to come into the City to socialise and behave unacceptably</p>	<p>residents have the right to make representations about applications close to their homes, and to ask for existing licences to be reviewed if there are problems. Greater opportunity to protect residential premises may be introduced as part of the government's rebalancing the Licensing Act agenda.</p>
Anonymous Member of the public	35	<p>Immediate closure if premises cause anti-social behaviour</p> <p>Listen to local community and impact of anti-social behaviour especially experienced by disabled people - currently they are being ignored and made to suffer, especially those opposite Tesco Express on Hinckley Road</p>	<p>The Police have the power to close premises immediately in certain circumstances. This is then followed by a formal review of the premises licence, and depending on the circumstances the premises may have to remain shut in the meantime.</p> <p>In accordance with the 2003 Act residents have the right to make representations about applications close to their homes, and to ask for existing licences to be reviewed if there are problems. Concerns reported</p>

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		The Licensing Committee to be made accountable if they approve an alcohol licence that causes anti-social behaviour	to the licensing authority are always investigated and the appropriate action taken, in accordance with the legislation.  The Licensing Committee is accountable for its decisions by way of appeal to the Magistrates Court.
Interested organisation	36	While there may be premises for which particular conditions should be applied, the categories above are too broadly drawn to suggest that all premises in a category should be restricted. Any restrictions put in place should not affect the operation of traditional pubs with no history of problems.	The licensing authority cannot apply blanket conditions – any conditions imposed must be necessary and proportionate for the promotion of the licensing objectives. The authority may only impose additional conditions where relevant representations have been received. Any conditions must be designed to address the concerns raised in the representations.
Interested organisation	37	We remain of the opinion that the inclusion of regulated entertainment in the Licensing Act 2003 is not necessary and has greatly increased bureaucracy for very little benefit to the licensing objectives.....	Noted, but not relevant for inclusion in the Licensing Policy. Public entertainment was regulated prior to the Licensing Act 2003. A greater number of

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		<p>...Together with the Musicians Union, Equity has recently been campaigning to secure the reform of the regulation of live entertainment. We are very pleased to note that the government is considering an exemption from the Act for live music venues with capacity for fewer than 200 people and would encourage your local authority to support such a change.</p> <p>...regulated entertainment is a broad category. Many forms of travelling entertainment that for many years did not require a licence are covered by the provisions of the Licensing Act 2003. Consequently circuses have to get a separate licence for every single new site they go to – which can be as many as 40 each season. They also have problems if a site becomes unavailable at the last minute, as alternative sites will not ordinarily have a licence and it takes at least a further 28 days to arrange one.</p> <p>In 2009 the Culture, Media and Sport’s Select Committee’s report into the Licensing Act contained a number of proposals which would have lifted some significant barriers to work faced by entertainers. The report recommended the creation of portable licence for travelling entertainment and circuses which would reduce the need for multiple applications and would provide greater freedom to perform on a basis agreed with local authorities. Equity supported these recommendations and would encourage</p>	<p>premises are authorised to provide public entertainment than previously.</p> <p>There is considerable scope for smaller venues to cause problems of crime and disorder and public nuisance. This exemption would not be supported.</p> <p>Leicester City Council has licensed the vast majority of parks and open spaces in the city, for regulated entertainment. The circuses that come to Leicester usually operate from one of these areas and hence do not have to obtain their own licences.</p> <p>Officers are unaware of proposals for portable licences, and have some concerns about how they would operate. The existing system of licensing the premises rather than the operator means that site specific</p>
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		<p>your local authority to look into the possibility of streamlining the process of approving licences for travelling entertainment.</p> <p>The report also recommended that simplification of the Licensing Act is necessary in order to reduce bureaucracy and better meet the licensing objectives. In particular, the Committee stated that better consistency between local authorities would aid travelling performers. We would also encourage your local authority to work alongside other authorities in order to achieve this much needed consistency and to establish best practice in terms of licensing policy.</p>	<p>matters can be addressed. It is not clear how this would work if a travelling entertainer had a generic licence allowing them to provide licensable activities in different locations without taking account of local factors.</p> <p>Noted, this may be introduced as part of the government's rebalancing the Licensing Act agenda</p>
Member of the public	38	<p>Comments that Working Men's and Social Clubs (with club premises certificates) operate as "family orientated bingo halls". Notes that the police have a limited right of entry under the 2003 Act compared to premises operating with a premises licence.</p> <p>Wants the law to be changed to allow the police access to check for breaches of licensing law.</p> <p>Wants clubs holding special events to be required to provide the licensing authority with names and addresses of non-members with proof of age</p>	<p>No comment</p> <p>There is no evidence to suggest this is necessary.</p> <p>This can only be done following a review application if there are specific problems at a specific club, which may be addressed by implementing the condition</p>

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		Wants TENs to include a stipulation that SIA registered door staff will be provided.	referred to  The licensing authority cannot impose conditions on Temporary Event Notices
Leicestershire Constabulary	39	<p>My thoughts include an expansion of advice re the frequent situation where there is no day to day DPS. When writing to licence holders I find it helpful to refer to your policy and a little more clarity on this issue would help as currently there is only advice re personal licence holders (para 14.2).</p> <p>I also wonder if there is a place for the advice contained in the attached documents?</p> <ul style="list-style-type: none"> <li>• CCTV on licensed premises</li> <li>• Checklist for incident management</li> <li>• Letter re drunkenness</li> </ul> <p>Support increase in saturation zones, possibly to include the whole city centre.</p> <p>Support of inclusion of some steps to promote the licensing objectives being promoted as best practice for certain types of premises.</p>	<p>Agreed</p> <p>Agreed – these documents will be referenced in the policy</p> <p>This is noted. An increase in saturation areas is proposed.</p> <p>This addition is included in the policy</p>
Interested organisation.	40	<p>I Have Been saying It Now For A Long Period That There Are Too Many Shops Being Granted Licenses To Sell Alcohol.</p> <p>Take A Example Of Barkby Road, There Are NOW Three Shops with Licenses With In 200 yards.</p> <p>Secondly You Have Got No Staff To Make sure That These Premises Are</p>	<p>See responses above</p> <p>No evidence that a cumulative impact policy is appropriate</p> <p>There are sufficient enforcement</p>

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	<p>Working To Rules.</p> <p>The reason For Non duty Paid Stock Has Increased Is Also Due To This Fact.</p> <p>I Can Not Understand Why Police request Are Not Taken Into Consideration.</p> <p>The Neighbourhood Should Also Be Consulted Prior Granting The License.</p> <p>There Should Be Better Education For The Staff Of These Premises.</p>	<p>staff to deal with the current workload. We operate a risk-based enforcement service</p> <p>No comment</p> <p>Police representations are taken account of at hearings. The police have the right of appeal if they are dissatisfied with the outcome</p> <p>The applicant is required to post notices at the premises throughout the representation period, and in a local paper once in the first 10 working days after an application is made. The application is also available on our website. There is no requirement for the licensing authority to carry out any consultation</p> <p>Training is an important part of being a responsible operator, and our policy will reinforce this message</p>
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		<p>The Same applies For Granting Licenses To Pubs/Clubs.          Example: Shops converted To Drink Houses [Melton Road].          To Grant License was a Proud Honour For The Law!</p> <p>Stop All,' The All Night Drinking Clubs'</p>	<p>Unable to comment</p> <p>If there are problems with particular premises their licences can be reviewed as described above, and appropriate action taken</p>
Interested organisation	41	<p><b>Mandatory Code</b>          The Policing and Crime Act 2009 created a mandatory code of practice for all alcohol retailers. While four of the mandatory licence conditions relate solely to the on trade, one of the conditions also applies to the off trade. This states that: <i>all those who sell alcohol must have an age verification policy in place requiring them to check the ID of anyone who looks under 18 to prevent underage drinking which can lead to anti-social behaviour and put young people at risk of harm.</i></p> <p>While the mandatory condition demands a proof of age scheme is in place, the condition does not prescribe which schemes retailers have to adopt. We support this flexibility for retailers and strongly discourage a more restrictive approach. The main responsibility of alcohol retailers is to ensure that they do not sell alcohol to those underage. They should not be dictated to on how to achieve compliance.</p>	<p>Agreed</p>

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	<p><b>Form of Identification</b></p> <p>It is important that there is consistency on which proof of age documents retailers are allowed to accept. ACS is a founding member of the PASS and board member of the CitizenCard proof of age scheme. CitizenCard has given out over 1.8 million cards, and offers young people who do not have a passport or drivers licence a valid form of ID. Particularly in society where identity fraud is a growing problem, it is even more important to offer a form of ID that it is not a passport or driving licence since these can facilitate fraud if lost.</p> <p>Government and most local authorities accept passport, driving licence and PASS card as valid proof of age. ACS urges all local authorities to adopt this position.</p> <p>We would also urge Local Authorities to consider how best to tackle fraudulent ID, in consultation with local retailers</p> <p><b>Community Alcohol Partnerships</b></p> <p>Through our membership of RASG, ACS is also heavily involved in the Community Alcohol Partnerships (CAP) initiative. These innovative projects aim to tackle the local problems with underage drinking and anti social behaviour through partnership working. CAPs brings off-trade retailers together with local authorities, police and schools to tackle underage drinking and proxy purchasing in a holistic way. During the schemes test</p>	<p>This issue is addressed in the policy</p> <p>This condition cannot be implemented across the board, but we accept this point and will continue to use it in our model pool of conditions</p> <p>This is noted and we will consider how best to take this forward in our compliance activities.</p> <p>The Licensing Authority and police are working in partnership to promote best practice in off-licences by introducing the 'Best of Green' initiative.</p>
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	<p>purchases are not carried out; instead any problems are dealt with using communication and support networks.</p> <p>The project has been independently evaluated, finding a decline in offences of criminal damage some 6% greater than in non pilot areas.</p> <p><b>Test Purchasing</b> ACS believes that the Partnership approach, where retailers are not penalised but are educated and supported, is a more effective way to tackle alcohol related problems. However we recognise that test purchasing is a tool at the disposal of local authorities and that some will find it necessary to use test purchasing to tackle the small minority of problem premises that repeatedly sell alcohol to children.</p> <p>However if test purchasing is utilised it must be done in accordance to Government guidelines. It must be led by clear intelligence that there is a problem in with underage purchasing on a premises. It also needs to be ensured that test purchasing will target both on and off trade when required.</p> <p>It is important that test purchasing does not descend into a tool to “catch-out” responsible retailers, who make a genuine mistake. Guidance issued by LACORS on how to conduct a test purchase must be adhered too. Using an individual who looks much older than 18 and allowing them to lie or show fake ID is unacceptable.</p> <p>If a retailer does fail a test purchase, it is important that the first recourse is constructive support, rather than overzealous punishment. Punishments are</p>	<p>Test purchasing is not part of our licensing policy. It is generally undertaken by the Police and/or the council’s Trading Standards department. However, the points raised are put into practice by these responsible authorities, who follow the LACORS advice.</p>
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	<p>effective only when they are proportionate. We support tough sanctions against persistent offenders.</p> <p>We also strongly advise local authorities to recommend that retailers are notified of any test purchases they have passed. This helps stores to recognise if their policy to prevent underage sales is working and facilitates a partnership based relationship.</p> <p>ACS supports the Local Better Regulation Office (LBRO) on Trading Places Scheme. The scheme places local authority employees with retailers so that they can see the challenges retailers face regarding underage sales on a daily basis and also understand what the retail trade is doing to tackle them. ACS advises Local Authorities to contact LBRO if they wish to partake in the scheme.</p> <p><b>Crime</b></p> <p>There has been proposals in some draft licensing policy statements that retailers should restrict where they place alcohol to prevent underage theft. Although it may be useful to make retailers aware of best practice, they should not be told where to place they products the sell. Ultimately the retailer will be aware of where best to place products to ensure security.</p> <p>It is also important that retailers are not penalised for thefts that occur in store. If alcohol is being stolen from a store then it is not the retailers fault and fully culpability must fall onto the culprit. In these incidences the retailers are victims and should be supported. Any move to penalise retailers for thefts will be counter productive, as retailers will be discouraged from reporting crime.</p>	<p>This practice has been introduced</p> <p>This proposal will be passed on to the authorities responsible for test purchasing</p> <p>Our licensing policy will not cover this point, as it is a matter for the licence holder</p>
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		<p><b>Underage Drinking and Proxy Purchasing</b></p> <p>Retail staff often face abusive or intimidating behaviour when refusing a sale. It is important that they feel sufficiently supported in their role as enforcers and local authorities have a role to play in this. Underage drinkers need to understand that it is against the law and unacceptable for them to attempt to buy alcohol. The wider community need to understand that it is unacceptable and illegal to buy or supply alcohol to a minor.</p> <p>Being given alcohol by a parent or friend, or buying alcohol from someone else is the most common way for underage drinkers to buy alcohol. The proportion of pupils who were given alcohol by a parent or friend has increased from 9%in 1998 to 24%in 20081. 18% of young drinkers buy alcohol from someone else, compared with 6% who buy from the licensed trade. It is clearly a route of supply which needs to be tackled.</p> <p>While it is currently offence to proxy purchase or attempt to buy alcohol while underage, there is little enforcement of these laws. Local licensing policies should address these issues and explore the most effective way to combat these crimes in community, rather than just targeting all their enforcement on licensees.</p>	The Safer Leicester Partnership has introduced initiatives to tackle proxy purchasing.
Highways	42	The text in the current policy is still relevant and is very likely to be for beyond March 2010 ie for LTP3	Noted
Interested organisation	43	The BBPA recognises the concerns both the LGA and LACORS have with the Home Office proposals as they stand, and would urge Councils not to pre-empt the results of the consultation process in their licensing policy consultations.	The proposals have not been pre-empted.

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	<p>We also have some concerns that the Council may receive representations for change to which we will be unable to respond until after the policy is approved by the Council.</p> <p>This is of particular concern in the case of Leicester which appears to be consulting by means of an on-line questionnaire with little or no opportunity for relevant organisations such as ourselves to make further comment on the revised policy before it goes before the Council.</p> <p>We will take this opportunity therefore to highlight certain issues which we would not support being included in, or arising from, the final policy document as they are beyond the provisions of the Licensing Act.</p> <p>BBPA would recommend that Licensing Policies should take into account points such as:</p> <p><b>Blanket Conditions</b> Blanket or standard conditions cannot be imposed under the Licensing Act, except where there are valid objections to a licence on the grounds of one of the licensing objectives, ie. crime and disorder, public safety, public nuisance and the protection of children. The licensing authority can only attach a condition where an objection is upheld following a hearing.</p> <p><b>Pubwatch</b> As a major supporter and funder of National Pubwatch, the BBPA is very keen that public houses participate in their local Pubwatches, but we are opposed to such participation being a condition of the licence. Pubwatches</p>	<p>It is not intended to go through a second phase of consultation. All consultees had an opportunity to express their views in whatever format they felt was appropriate.</p> <p>Agreed</p>
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	<p>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.</p> <p><b>Glassware</b> It would be helpful if the policy could include a reference to the following approach outlined in the National Alcohol Strategy on alternatives to glass, namely a risk based, per premises approach.</p> <p>“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.”</p> <p>The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment available on our website at <a href="http://www.beerandpub.com">www.beerandpub.com</a> .</p> <p><b>Minimum Pricing</b> The licensing authority should not seek to encourage licensees to breach competition law by advocating a minimum price for alcoholic drinks. Any agreement of a minimum price would be a clear breach of competition law which would leave operators open to prosecution and a financial penalty of 10% of turnover. Any condition of this nature would clearly be unlawful.</p> <p>There have been examples of local authorities/police attempting to use</p>	<p>Agreed</p> <p>This is dealt with in our policy</p> <p>Agreed</p>
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	<p>'voluntary' agreements and the Mandatory Code on Alcohol sales to justify a minimum price in a specific area. This is illegal as stated above.</p> <p><b>Mandatory Code on Alcohol Sales</b> The conditions relating to promotions, direct dispense into the mouth and tap water were introduced in April 2010. Conditions relating to age verification policies and smaller measures of alcohol come into force on 1<sup>st</sup> October 2010. If Mandatory Conditions are referenced in the policy, it should also make reference to the Home Office guidance available to download at <a href="http://www.beerandpub.com">www.beerandpub.com</a></p> <p><b>Smoking</b> Where customers are outside the premises because they are smoking, there should not be an automatic assumption that this will lead to unacceptable noise nuisance. If it does, then interested parties and responsible authorities are legitimately entitled to raise the issue as they would for any other cause of noise nuisance. In the event that customers outside a licensed premises give rise to noise nuisance and representations are made to the licensing authority on these grounds, then the matter can be dealt with via the processes contained in the Licensing Act 2003. Therefore, any conditions on a licence should be evidence based and relate to noise nuisance and not smoking. Smoking itself is not, of course, a licensable activity.</p> <p><b>Risk Assessments</b> The Association is very much in favour of the use of risk assessments, but the provision of a risk assessment to support an application is not a requirement under the Licensing Act 2003, therefore the licensing authority</p>	<p>Mandatory conditions are referred to in advice and information publications and letters</p> <p>Agreed</p> <p>Agreed</p>
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	<p>has no powers to demand to be shown risk assessments. We believe that this reference should either be removed or amended to as to be a recommended practice rather than a requirement. During the recent World Cup, some Local Authorities and police issued inappropriate risk assessments for pubs to sign, and assessments such as these should not be required by the licensing policy.</p> <p><b>Cumulative Impact Policies</b> The policy should make it clear that applications within the cumulative impact policy area will be considered on their own merits, and determined by the Licensing Committee in the event of relevant representations being received. Where there are no relevant representations, the application must still be granted.</p> <p><b>Designated Premises Supervisors</b> If the policy contains the expectation that the DPS will spend a significant amount of time on the premises, or should be on the premises at all times, this should be deleted. There is no legal obligation for the DPS to be on the premises at all times, but they do, of course, remain responsible for the premises in their absence.</p> <p>There is no mechanism in the Licensing Act for licensing authorities to: insist that the DPS be on the premises at all times</p> <ul style="list-style-type: none"> <li>• to make a fit and proper judgement on individuals nominated as the DPS</li> <li>• insist on experience, training or qualifications in addition to the personal licence qualification</li> <li>• insist on more than one personal licence holder for the premises.</li> </ul>	<p>Agreed</p> <p>Agreed</p> <p>Agreed, although we may state that this is considered best practice</p>
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		<p>The law simply requires a DPS to be nominated for licensed premises where the sale of alcohol is to take place. The DPS must hold a personal licence. We welcome the clarification in the revised Government Guidance to the Licensing Act on this issue.</p> <p>The DCMS guidance also outlines good practice for the authorisation of the sale of alcohol. Written authorisation may be appropriate for some premises, but not all, and is not a legal requirement. Ultimately, it is for the DPS to decide how to manage this issue. There is also no legal requirement for daily authorisation of the sale of alcohol, which would, in our view, be unenforceable and impose an unnecessary burden on operators.</p> <p>We note that a number of these issues are covered in your on-line questionnaire namely under Section 2- Steps to promote the Licensing Objectives- and Section 3- Special Policy on Cumulative Impact.</p> <p>Although the document states in Section 2 that these are "steps that applicants could take to promote the licensing objectives " this method of consulting could almost be seen as encouraging the public to support certain practices and make representations when in the majority of cases these steps would be unnecessary.</p> <p>As stated earlier we believe interested parties/consultees should be given an opportunity to comment on the revised policy.</p>	<p>Agreed</p> <p>Agreed</p> <p>Noted. However, previous consultations have resulted in limited responses from all quarters and therefore a new method of seeking views has been used on this occasion.</p> <p>Not agreed. Comments made, whether via a questionnaire or a draft policy, may affect the final policy in a way that some</p>
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			consultees disagree with. Officers do not accept that the method of consultation used had adversely affected the process
Member of the public	34	<p>I have the following comments to make regarding the review of Leicester's Licensing policy</p> <p>1) <b>Please include the Queens Rd and Clarendon Park area in the "Special Policy on Cumulative Impact"</b></p> <p>It appears to me the Licensing Act works reasonably well for residents living close to one licensed premises. If there are problems with disorder or public nuisance such as noise, it is clear where the problem lies and appropriate action can be taken and controls applied. Where there are a number of premises, it is much more difficult to control. Residents living near several premises often cannot identify where noise is coming from, and troublemakers outside always belong to 'another premises'. Groupings of several premises in a row can be a particular problem in this respect, as occurs on some parts of Queens Rd. <b>Even if all premises are, by themselves, not a problem, the cumulative effect can be.</b> This is a principle embodied in common law on which the Licensing Act is based. Some examples -</p> <ul style="list-style-type: none"> <li>• Premises may have their noisiest events on different days of the week, so what may be mere irritation if it is just occasional becomes less tolerable as the number of days increases. This particularly applies in Queens Rd area because premises have student nights on what would normally be quieter nights – but residents working or with children at school cannot cope with disturbed weekday nights.</li> </ul>	<p>Although there have been a number of requests for Queens Road and the surrounding streets to be the subject of a cumulative impact policy, there is insufficient evidence to justify this. This issue will be kept under review and liaison continued with the police about areas with high levels of crime and disorder that can be linked to licensed premises.</p>

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	<ul style="list-style-type: none"> <li>• While some competition can raise standards, too much leads to pressure for bad practice such as discounted drinks to attract customers to their venue. As well as the many existing licensed premises who may wish to alter their licence, there are 8 further existing takeaways, cafes, food shops on Queens Rd that might like a new licence, as well as empty shops. Applicants believe there is a market because of the University, but existing premises now struggle, and need to attract customers from a wide area. Encouraging too many visitors rather than local regulars to the area also makes it more difficult for licensees to know who are troublemakers or buying for those who are under-age. It means more speculative taxis hanging about with engines running outside premises, and tooting, further nuisance often quoted by local residents, but not able to be controlled.</li> <li>• A mixture of premises types can give a varied night out, but leads to more people switching between premises, and lingering on the streets eg to eat takeaways after drinking. This can increase noise nuisance - and the risk of different groups of people being in conflict. The smoking ban has led to more people standing outside and shouting across the street.</li> <li>• Unlike some other "night economy" areas where there is a "buffer" between it and residential areas, (eg with office or industry or a major road) in this area the housing directly adjoins - indeed there are licensed premises that share a party wall with a home. Most of the premises were originally built as houses, more recently used as shops with large areas of glass, and noise insulation is poor.</li> </ul> <p>Personal experience:-</p>	
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	<p>As the number of licensed premises around Queens Rd has increased, so has the nuisance for residents, and difficulties for control. I have around 8 licensed premises from which I have directly heard noise at times (eg customers rowdy outside the premises or music noise). There are more beyond from which I get indirect effects. But mostly I cannot tell where it is coming from, or distinguish it from people returning drunk to the area from other premises, or indeed private parties, unless I go out on the street to look. I used to do this, but as I get older I feel increasingly reluctant to do so. Without the information it is impossible to complain effectively, as all require different agencies, and much goes unreported and unresolved. I live in a street close to Queens Rd that is 'hidden' and attractive to those who have bought alcohol in the area, whether to drink after premises have closed, or by those that cannot drink in the bars such as under-age drinkers and those smoking cannabis. This is rarely done quietly, and has led to damage to property in front gardens as well as littering and broken glass. Our alleyways are also used as toilets. It is intimidating to wonder what is going on outside your home, and to have to walk past such groups on returning home. I have on occasions not gone out as planned in order to avoid having to go past a group, and I am anxious if I return home at night until I have turned the corner and seen it is "all clear". There are other "hot-spots" close to licensed premises in the area similarly affected by this range of problems. Because the number of premises draws people in from outside the area, I rarely recognise who these people are, again making it more difficult to control. It has now reached the point where I know of residents that have moved because of the problems, those that have 'hidden' the true situation to get a buyer for their house, and people who have developed significant health problems. This year things became so bad,</p>	
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	<p>leading to significant distress for one neighbour particularly affected, that police concentrated patrols in our street. This has much improved the situation, but they do not have resources to keep this up indefinitely. I have now largely given up going out onto Queens Rd in the evening, after a summer two years ago when I was asked for sex on 4 occasions while standing waiting for friends. This "cuts me off" from usual activities within my residential community.</p> <p>Evidence can be seen from the large number of objections to recent licence applications in the area, the details within them and comments made to councillors, that other people are similarly affected, and feel we now have enough licensed premises.</p> <p>It can now only be prevented from getting even worse by restricting the number and type of licences allowed. In short a licence application needs to be judged not in isolation but as to its overall cumulative impact. That is why being included as a 'saturation zone' is so important.</p> <p><b>2) Hours in residential areas</b></p> <p>I believe the current policy recognises that hours for premises in residential areas may need to be curbed. I trust that this will continue to be recognised in the revised policy. It is probably the single most important factor of control for residents, as lack of sleep has such profound effects. I can cope with a "lively" evening if I have slept well, but a disturbed night makes me sensitive to noise. It needs to be remembered that much of the noise that disturbs comes when people are leaving premises and waiting for taxis etc, and hours need to reflect this.</p>	
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		<p><b>3) Noise limiters</b></p> <p>I think noise limiters are a good idea in any premises where music is an "entertainment". Not just live music as DJ's and Karaoke can be some of the most intrusive.</p>	
Cultural Services	35	<p><b>General</b></p> <p>The current Statement of Licensing Policy references the Cultural Strategy in the Integrating Strategies section. It was integrated into the policy as part of previous consultation. We would want the text in this section, section 11.6 to 11.11 (page 12) to remain as it stands. We advocate the continual inclusion of this within future statements as it highlights an important fundamental premise; the rights to participate in cultural life against managing the detrimental effects of activity that can be regulated by license. By operating in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which recognises "the right of everyone to take part in cultural life" and that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community, a balance can be maintained. The issue of balance is set out in section 2.3 (page 3) and we want to restate the importance of this as a fundamental principle as it stands in the document.</p> <p><b>Specific Comments</b></p> <p>With regard to the statement above it is essential to monitor increases in</p>	<p>Noted</p> <p>Licensing fees are set by central</p>

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	<p>cost for licenses and the potential effect on small scale groups. Small community events which offer huge benefits to the community are often operating under the constraints of very limited budgets. As referenced in section 11.11 (page 13) bullet point 4, it is essential to ensure that imposed conditions attached to licenses do not deter small scale groups and activities by costs disproportionate to the size of the event.</p> <p>It would be useful to provide clarity on educational events, such as author events, being exempt from licensing as it adds disproportionate cost and inconvenience to a very low risk type of event.</p> <p>For Temporary Event Notices, section 15, (page 17) it would be useful for consideration to be given to allow local authority discretion on the limit of the total number of people by allowing flexibility to increase numbers on the current 500 total.</p> <p>Cultural Services fully adhere to noise monitoring and noise action plans. If not already in place, we would encourage Licensing to consider noise monitoring and noise action plans for all premises Licensed for Entertainment.</p>	<p>government and are outside the licensing authority's control. All conditions imposed following a hearing must be necessary and proportionate.</p> <p>Only events involving licensable activities require permission under the Licensing Act 2003. There are certain exemptions included in the legislation.</p> <p>The limit on numbers at an event authorised by a TEN are included in the legislation and cannot be altered by the licensing authority.</p> <p>Licensing can only deal with individual premises where there are problems, following a review application. Where necessary, steps in relation to noise control may be taken. Ongoing monitoring is a matter for the Noise Control team.</p>
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	<p>Section 17 (page 18) of the current Statement deals with Live Music, Dancing, Theatre, Circuses and Street Arts. Clarity needs to be given on what the definition of Street Arts is and what it includes as it can impact on certain events. An example would be the involvement of stilt walkers in a parade. Also there is no clear distinction for busking. Licensing for funfairs is not currently covered by the statement but should this be considered as subject to licensing when the Funfair is the main activity and not solely part of an event.</p> <p>Clarity needs to be given for activities that take place outside venues, particularly private venues. This would be when the main event was taking place within a venue but there is related activity occurring outside or around the venue, such as street arts.</p> <p>Licensing is asked to consider giving priority to the ratio of new licenses for premises that provide live music. Venues that provide live music have been proved to reduce incidents of disorder and anti social behaviour which addresses one of the four licensing objectives of the Licensing Act; the prevention of Crime and Disorder as referenced in section 2.2 (page 3).</p> <p>In terms of Cumulative Impact, section 3 (page 4) particular support is given for section 4 (page 5) Special Policy on Cumulative Impact, and in particular any proposals that would extend the area to include Belvoir Street. The Library Service has experience of litter, broken windows and other issues already at weekends and if the building changes its use it would continue to experience problems on a similar scale.</p> <p>As we are reviewing partnership arrangements please omit the last sentence</p>	<p>Each application must be considered on its merits, and preferential treatment is not permitted.</p> <p>Noted – a cumulative impact zone is proposed for Belvoir Street</p> <p>Actioned</p>
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		<p>in section 11.6 (page 12) "Leicester City Council is committed to its implementation working with the 50 strong Cultural Strategy Partnership."</p> <p>Section 11.15 to 11.19 (page 14) should refer to other equality duties. Irene Kszyk, Head of Equalities, will be able to advise Licensing on appropriate points.</p>	
Castle Ward community meeting	36	<p>Councillor Kitterick, in summary noted that there were issues to be taken forward with regard to saturation zones, putting the best practices of bars into the policy and issues with regard to the display of license application notices:-</p> <p>The following areas were proposed as having reached saturation point:-</p> <ul style="list-style-type: none"> <li>- Queens Road</li> <li>- Clarendon Park Road (for off licences)</li> <li>- Belvoir Street – (this area, it was felt was suffering a public nuisance from a loss of retail units and crime problems in the evening)</li> <li>- Granby Street / London Road (for off licenses) – The number of off licenses, it was felt was adding to problems with regard to street drinking.</li> <li>- No objections were raised to Churchgate retaining it's current saturation status.</li> </ul> <p>...look into the possibility of providing the public with email copies / or posting the weekly list of licensing applications on the internet.</p> <p>A resident enquired whether licensing powers could be used to encourage different types of establishments in different areas, ie some areas becoming more 'café society', perhaps this could be through the Best Bar None</p>	<p>Saturation zones are proposed for Belvoir Street, and with regard to off licences on London Road / Granby Street. However, it is felt that there is insufficient evidence to warrant a similar proposal for the Clarendon park area at present</p> <p>This option will be considered by officers</p> <p>Each licensing application must be considered on its merits. This suggestion is considered to be a</p>

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		scheme.	planning matter.
Interested organisation	37	<p>Belvoir Street has already gone beyond saturation point, and alcohol is taking its toll on the whole of the city.</p> <p>Belvoir Street's daytime economy used to make the area a special place due to the type of businesses that operated. Now it is tarnished by the widespread 'reputation' that has been generated by the night time operators who have created a bar strip mentality to the detriment of the daytime economy. The 'quality reputation' has all but disappeared.</p> <p>Although a council cleaner does turn up with a mechanical sweeper at approximately 7am, this only cleans where it touches. Shop front businesses are regularly faced with cleaning away bottles, plastic tumblers, polystyrene cartons, takeaway foodstuffs, leaflets, vomit, urine, excrement, cigarette ends, blood, condoms, etc from doorways and surrounds. This is not a pleasant way to start the day and certainly gives us a jaundiced view of the late night bars. A visitor to the city would not leave with a good impression.</p> <p>Customers also talk of the reputation that Belvoir Street has gained and some now feel uncomfortable in the area.</p> <p>Although the residents, including the Ramada Jarvis Hotel, do expect a certain amount of noise with city centre living there must be a reasonable and acceptable limit. Closing bars at 3am, and even later at certain times, .... Encourages more rowdy and boisterous behaviour. We suggest there is a restriction on the number of days each week that clubs and bars can operate in this manner.</p>	A saturation zone is proposed for Belvoir Street

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	<p>Enforcement needs to be in place to ensure that ... any possible noise nuisance is controlled.</p> <p>It is quite common for drink and food to be consumed whilst queuing. The alcohol can be purchased from off licence premises and the food from the numerous takeaways that have sprung up to cater for this market. The bars and clubs must take responsibility at this point to ensure that their potential customers are acting in a 'reasonable and sensible' manner.</p> <p>At the end of a nights entertainment the 'punters' are put into the street and the responsibility for their actions is no longer with the bars and clubs. This causes problems. In fact the volume of people should be shepherded away to areas of the city where taxi ranks are situated.</p> <p>However, further noise is created when taxis and hire vehicles congregate in the street to take away the revellers. There is restricted legal parking so the street becomes jammed with vehicles unlawfully parked, each with their engine, usually diesel, running. Cab doors are being slammed, people are shouting to hail taxis. This is in addition to the noise caused by the high spirits of the clubbers.</p> <p>There is no reason why the night time and day time economies cannot co-exist but common sense must prevail.</p>	
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