

## SUMMARY OF CONSULTATION RESPONSES

### LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Cheshire East Council, as Licensing Authority with effect from 1 April 2009 published a statement of Licensing Policy for consultation on 29 December 2008. The table below summarises the consultation responses received.

CONSULTEE	CONSULTATION RESPONSE
British Beer and Pub Association (BBPA)	<p>In its response dated 7 January 2009 the BBPA state as follows in relation to the draft statement of Licensing Policy:</p> <p>Thank you for providing this Association with the opportunity to comment on the draft policies for Gambling and Licensing in the local authority of Cheshire East.</p> <p>The British Beer and 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 Cheshire East 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. Further information is available on our website at <a href="http://www.beerandpub.com">www.beerandpub.com</a></p> <p>This response is also supported by the BII, the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.</p> <p>In terms of the draft Licensing Policy, we have nothing to add or take away from our earlier response to the former Macclesfield Policy Statement which Cheshire East now appears to mirror.</p> <p><i>The response provided in relation to the Macclesfield Borough Council policy was as follows:</i></p> <p><u>General</u>  <i>The BBPA welcomes the Council's very positive approach to the licensing of the sale of alcohol and the provision of public entertainment and in particular its recognition of the social and cultural contribution the trade has to make, and also its importance as a local employer. 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.</i></p> <p><u>Enforcement</u>  <i>We would welcome recognition of the Hampton principles of inspection and enforcement in paragraph 11 [paragraph 10 of the Cheshire East policy], which include the following:</i></p> <ul style="list-style-type: none"> <li>• <i>No inspection should take place without a reason;</i></li> <li>• <i>Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.</i></li> </ul>

	<p><u>Additional considerations</u></p> <p><i>We 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. We will take this opportunity therefore to highlight certain issues, not mentioned above, which we would not support being included in, or arising from, the final policy document as they are outside the provisions of the Licensing Act:</i></p> <ul style="list-style-type: none"> <li><i>Applications to be completed in a specific manner, other than that prescribed in regulations;</i></li> <li><i>Blanket or standard conditions on licences e.g. CCTV, hours, use of polycarbonate/plastic glasses, capacity limits, membership and attendance at Pubwatch meetings, minimum pricing requirements etc</i></li> <li><i>The Designated Premises Supervisor to be on the premises at all times, or to have a specific level of experience, training or qualification in addition to the personal licence qualification etc</i></li> <li><i>Written authorisation for the sale of alcohol</i></li> <li><i>More than one personal licence holder on the premises</i></li> <li><i>Measure that duplicate existing legislation e.g. health and safety (e.g. smoking, fire etc) or disability provisions</i></li> </ul>
Pickmere Parish Council	<p>One of our Councillors has inspected the documents we received as Pickmere Parish Council from Cheshire East Council re Licensing consultation.</p> <p>He stated that both statements appear to be comprehensive, appropriate and well structured.</p>
Knutsford Pub Watch	<p>After reading both draft policies regarding licensing and gambling I found both to be quite easy to understand and precise in their wording. As they are worded now should pose no difficulties for anyone to understand.</p>
Crewe Green Parish Council	<p>The draft documents were considered by the Parish Council meeting on the 5<sup>th</sup> January 2009. The Parish Council were pleased to accept the proposals as submitted.</p>
Police Licensing - Congleton	<p>Noted an error in the sixth line of paragraph 6.5 – this should read “by way of condition on the basis of fire safety grounds as under article 43 of the <u>Fire Safety Order</u>..”</p>
Police Licensing - Macclesfield	<p>Reference the draft Statement of Licensing Policy there are just a couple of issues which we feel would be appropriate to be included:</p> <p>3.3.1: Perhaps needs re wording as it is felt that it gives a 'get out' clause once drinkers are off the premises. Suggest as in the last draft the following or a variation of it could be added: However, DPS's and Premises Licence Holders should take reasonable steps to prevent the occurrence or crime and disorder immediately outside their premises - for example - on the pavement, in a beer garden, car park or smoking shelter, where the extent of these matters is within their control.</p> <p>4.2: Late Night Transport - has anything ever been passed to the 'relevant transport agencies &amp; Planning department ref the provision of late night transport ??</p> <p>5.4.1: Suggest an additional bullet point to recommend that attendance and participation in Pub Watch Schemes - where operating - should be included</p>

	5.4.2: Whilst it is mentioned in 3.3.1 above the Prevention of Nuisance mandate should also include the supervision and monitoring of outside smoking areas and the impact on neighbours with noise, stale smoke in Summer etc.,
Rainow Parish Council	<p>Rainow Parish Council would comment as follows on the above consultation.</p> <p>"The statement of licensing policy is acceptable but we would recommend guidance is given in section 5.6 of the policy document on the dividing line between large scale and small scale events."</p>