

Consultation Responses

Response from the Licensing Team, Cheshire Constabulary:

Please note the following observations on the draft Statement of Licensing Policy which you recently circulated for comments and I start off each entry with the paragraph/Appendix concerned.

1.1 This paragraph seeks to clarify the identity of **the council**, Cheshire East Council, the Licensing Authority and **the Act**. However later in the policy reference is made to 'Local Authority' without making clear how that term fits with those groups already mentioned.

Licensing Officer Comments:

Cheshire East Council is both the Local Authority and the Licensing Authority and the descriptions can be interchangeable. However, 'local authority' might be used to describe functions that do not relate to the licensing regime. Such as, where the Licensing Authority will have regard to other local authority initiatives. To provide clarity it is recommend that all referenced to the 'Local Authority' are replaced with 'the Council'.

1.4 The latest guidance was of course issued in June 2013.

Licensing Officer Comments:

This will be updated

1.5 There appears potential for this paragraph to either clarify the current confusing situation about exactly what does constitute regulated entertainment or at the very least to make mention of the Live Music Act 2012 and the recent de-regulation of certain entertainment. Although whatever you put will almost certainly be out of date very quickly as the Government tinkers yet again.

Licensing Officer Comments:

In preparing the draft policy, Officers determined not to include information that was available by other means to avoid duplication and an overly burdensome length. The changes to regulated entertainment are set out in both the statutory instruments that authorise the changes and in the statutory guidance issued by the Home Office. It is a matter for the Committee to determine whether or not they wish to include this information in the Statement of Licensing Policy. If Members were minded to include this information a form of words could be drafted in consultation with the Chairman for inclusion in the final draft.

2.9 This paragraph states 'Following Relevant Representations the Licensing Authority will **only** depart from this policy if the applicant provides satisfactory evidence/information that the Licensing Objectives will be met in full'. This implies that if the Police, or indeed any other responsible authority, considers it appropriate for the Licensing Authority to depart from its own policy to prevent the Licensing Objectives being undermined this section would not allow that to happen.

Licensing Officer Comments:

The following change is suggested for the consideration of the Committee:

'Following Relevant Representations the Licensing Authority will only depart from this policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full'

3.6 This paragraph states 'It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained'. However it does not go on to say when and in what circumstances this may not be considered the norm.

Licensing Officer Comments:

Such circumstances have not been provided because the Licensing Authority could not envisage each instance where it might decide to depart from requirement. Therefore each case will be determined on its own merit.

7.4 This paragraph talks about The Licensing Authority imposing conditions in order to promote the Crime and Disorder Licensing Objective and lists examples of some conditions, with the notable exclusion of possibly prescribing a capacity limit. Whilst the list is described as not exhaustive, and therefore the Licensing Authority could potentially impose such a capacity condition for crime and disorder purposes, paragraph 8.8 states 'The Licensing Authority will **only** include an occupant capacity condition on a Premises Licence or a Club Premises certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety'. It therefore appears that paragraph 8.8 excludes even the possibility of a capacity condition for anything other than public safety and the police in the past have negotiated a capacity condition specifically for Crime and Disorder purposes, which 8.8 would appear to prevent in the future.

Licensing Officer Comments:

Capacity limits are usually contained in a Fire Safety Risk Assessment (though some premises may be excluded from this requirement). The Statutory Guidance discusses capacity limits in relation to both prevention of disorder and public safety. It is a matter for the Committee to consider whether they think it appropriate for inclusion in the identified section.

10.4 Line 4 includes a typing error repeating the same words, i.e. (who will have provided who will have provided).

Licensing Officer Comments:

This will be corrected

15.2 The final sentence in this paragraph, i.e. 'The Licensing Authority will aim by means of longer licensing hours to achieve a gradual dispersal of people leaving licensed premises', appears to almost invite applicants to apply for 'longer hours' supported by this policy. Perhaps a different choice of wording could convey the Licensing Authority's desire to minimise the impact of concentrations of people leaving numerous premises at the same time without implying that the only answer is longer hours?

Licensing Officer Comments:

The following change is suggested for the consideration of the Committee:

'The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.'

21.4 The final line appears to include a typing error and therefore 'of' should be replaced with 'or'.

Licensing Officer Comments:

This will be corrected

Appendix 1

This table appears to take no account of the ability now for Environmental Health to object to a Temporary Event Notice (TEN) or the fact that an objection to a Late Notice TEN is not determined by a sub-committee.

Licensing Officer Comments:

It is suggested that all references to Police Objections against TENs be replaced with 'any objections' therefore including any Environmental Health objections. Objections to late TENS automatically result in a counter-notice being issued in accordance with the legislation.

Response from Congleton Town Council:

The Revised Statement of Licensing Policy was considered at last night's meeting of Congleton Town Council's Planning Committee which expressed considerable concern at the lack of involvement of the Town Council on licensing matters.

I refer you to clause 23 of your Revised Licensing Policy, which refers to consultation. In the clause it clearly states the Licensing Authority is expected to consult, widely including with Town and Parish Councils. Therefore, can you advise me of what steps you are going to take to ensure that Congleton Town Council is consulted on all licensing matters affecting the Town and remedy the fact that we very rarely informed of any licensing applications.

Licensing Officer Comments:

Town and Parish Councils are not consulted on individual applications. They can be considered 'other persons' under the Licensing Act 2003 and can therefore make representations for or against an application. Their position within the statutory framework would be on the same level as, for example, local residents rather than as Responsible Authority (who are consulted on all applications). The Licensing Authority has taken the view that the Town and Parish Councils (together with the Borough Members) 'represent local residents' and has therefore included them into the consultation on the Statement of Licensing Policy. Case law has confirmed that the Licensing Authority should not consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the

premises in question, and on the Council's website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.

Response from Poynton Town Council:

Poynton Town Council's Planning and Environment Committee considered this draft Policy at a scheduled meeting on 2nd September 2013, and has the following comments on it;

Paragraph 2.11: Insert into the list of consultees: *"town and parish councils"*.

Licensing Officer Comments:

This is not a list of consultees, but a description of those who may contribute to achieving the statutory aims of the licensing regime.

Paragraph 3.6: Delete *"normally"*.

Licensing Officer Comments:

The Licensing Authority cannot make this a requirement and must leave the door open to exceptions (and not fetter its discretion) otherwise the Policy or decision-making process would be open to challenge.

Paragraph 5.2: Replace *"a major"* in first sentence with *"an important"*. Add a new second sentence: *"However, the costs of policing required by licensed premises are also a cost to the local taxpayer"*.

Licensing Officer Comments:

It is recommend that 'major' be replaced with 'an important' and that no further additions are included. The cost of policing is not a matter for the Council.

Paragraph 6.3: Please identify the source of the Guidance referred to.

Licensing Officer Comments:

The guidance issued under section 182 of the Licensing Act 2003 by the Home Office.

Paragraph 7.7: Delete *"reduce the possibility"* and replace with *"eliminate"*.

Licensing Officer Comments:

The Licensing Authority cannot undertake to make conditions that will eliminate drug use.

Paragraph 7.11: In second bullet insert full stop after *"any section of the public."* and delete the rest of the bullet.

Licensing Officer Comments:

It is recommended that this change not be included.

Paragraph 8.3: The Council is concerned that this may impose excessive burdens on volunteers.

Licensing Officer Comments:

This is not a requirement and is suggested as good practice to ensure that health and safety matters are considered.

Paragraph 9.2: Insert “and businesses” at the end of the first sentence.

Licensing Officer Comments:

It is recommend that ‘and businesses’ is inserted. However, the question of need or representations based on completion would not be relevant.

Paragraph 15.2: Please define what these circumstances might be. There is plenty of evidence that longer licensing hours have increased, not reduced, anti-social behavior.

Licensing Officer Comments:

A recommendation has been made to amend this paragraph as per the Police response.

Paragraph 22.4: Please give examples of “irrelevant, frivolous and vexatious representations”. Who decides which objections fall into this category and should therefore be disregarded?

Licensing Officer Comments:

Whether representations are ‘irrelevant, frivolous and vexatious representations’ will be determined by Officers having regard to the Statutory Guidance, each case will also be determined its own merit. A representation that did not refer to one or more of the Licensing Objectives or did not relate to the premises in question would be irrelevant.

Notification of Applications

The draft Statement of Licensing Policy does not appear to refer to how applications for licences are advertised and local residents notified. Does the Council aim to inform occupants of nearby premises in writing, as is done with planning applications? In particular, Poynton Town Council believes that the local town or parish council should be formally consulted on all licensing applications.

I should be grateful if you would acknowledge receipt of this e-mail as Poynton Town Council’s formal response to this consultation.

Licensing Officer Comments:

Case law has confirmed that the Licensing Authority should consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the premises in question, and on the Council’s website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.

Response from Alsager Town Council:

Alsager Town Council agree with the broad principles of the Statement of Licensing Policy which is currently subject to consultation. It is concerned, however, that it is not routinely consulted on licensing applications that relate to the Town. Routine consultation had happened previously but was discontinued for reasons unknown.

The local knowledge of the Town Council and its Councillors is comprehensive and may provide insight into the circumstances and context of licensing applications which may not be apparent or available from other sources. The Town Council is also regularly asked by residents to advocate on their behalf if a licensing application affects them. Under the current regime, however, our response is occasionally too late or rushed to meet a deadline since the Council is not formally consulted on applications and often finds out about them only when advised by residents.

The Councillors take their role as Community Leaders very seriously and feel that to do this effectively they would need to be consulted formally on licensing applications which affect the Town (as happens with planning applications).

Licensing Officer Comments:

Case law has confirmed that the Licensing Authority should not consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the premises in question, and on the Council's website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.

Response from Cheshire East Event Safety Advisory Group

In my capacity as Chair of the Event Safety Advisory Group (ESAG) I would like to feedback the following comments on behalf of the group:

The Group supports the Statement of Licensing Policy and the information and guidance contained within it.

The Group is pleased to see that the policy encourages event organisers to seek advice and information from the ESAG. The group feel that this is a welcome inclusion into the policy which will serve to raise the group's profile and existence and enable us to improve public safety at events through advice, guidance and examples of best practice.

Licensing Officer Comments:

None

Response from Cheshire East Environmental Health

In relation to the section on Noise and Vibration:

1. I am assuming that 9.5 which states 'Restrict the generation of noise within the premises and from activities associated with the premises' is broad enough to include such issues as bins and deliveries?

Licensing Officer Comments:

For the avoidance of doubt it is recommended that any references to noise is replaced with 'any noise'

2. Recommend removal of the reference to noise ventilation systems as such issues are covered by other legislation. Para 9.4

Licensing Officer Comments:

The Statutory Guidance recommends against including matters within the Policy that are adequately dealt with by other legislation.

3. I would like to propose an amendment to the sentence about an acoustic report to include reference that EH would determine whether recommendations from such a report were suitable and would be required to be implemented. Para 9.4

Licensing Officer Comments:

It is recommended that the Committee considers the following re-wording:

'If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.'

4. Paragraph 11.12 – I wondered if it should read applications for variations to existing premises licenses in stress areas will not be granted WHERE those modifications directly affect the issue of cumulative impact in the stress area or otherwise undermine licensing objectives. This then makes the example make sense.

Licensing Officer Comments:

A recommendation has been made to amend this paragraph as per the response.

Response from Macclesfield Town Centre Management:

A fine piece of work, well done.

Licensing Officer Comments:

None

Responses from a Member of Cheshire East Council:
Thank you for sight of the Consultation document. I have no comments
<i>Licensing Officer Comments:</i> <i>None</i>

Response from Knutsford Town Council:
Knutsford Town Council considered the draft statement at the Planning and Licensing Committee meeting, and requested that I write to give the full support of the Town Council to the draft policy statement.
<i>Licensing Officer Comments:</i> <i>None</i>

Response from the Health and Wellbeing Board:
<u>General Comment:</u>
<p>1.1 Section 12 of the Health and Social Care Act (2012) gives the local authority the duty to take appropriate steps to improve the health of the people in the area. Cheshire East has significantly worse than average alcohol specific and alcohol attributable hospital admissions for women and alcohol specific admissions for under 18s. We would ask the Licensing Authority to consider this as they review their Policy.</p> <p>1.2 The National Institute for Health and Clinical Excellence (NICE) Local Government Public Health Briefing on Alcohol (31st October 2012) recommends that Local Authorities through 'Using local health, crime and related trauma data, map the extent of alcohol related problems locally before developing or reviewing a licensing policy. If an area has a lot of licensed premises, and the evidence suggests that additional premises may affect the licensing objectives, adopt a cumulative impact policy.'</p> <p>1.3 The Board recommends that if this work has not been done to date it is carried out as soon as possible to inform the review.</p>
<u>Specific Comments:</u>
<p>Para 1.3 This appears to be referencing the previous Corporate Plan. The relevant Strategic Outcome for health is now:</p> <p>Outcome Five - 'People live well and for longer'</p>

It may be felt appropriate at this point to also reference the Cheshire East Health and Wellbeing Strategy which contains priorities for collective action by the Health and wellbeing Board including:

‘Reduce the levels of alcohol use/misuse by Children and Young People’

‘Reduce the incidence of alcohol related harm’

Licensing Officer Comments:

Committee should consider replacing the bullet points at 1.3 with the following:

- *Cheshire East has a strong and resilient economy*
- *People live well and for longer*

Para 2.1 In the first line we would suggest the insertion ‘good health and wellbeing’ so that it reads...

‘The aim of the Policy is to secure the safety, amenity and health and wellbeing of communities within the Cheshire East area etc...’

In the last line we would suggest the insertion of ‘health, wellbeing’ so it reads...

‘The Council will promote the health, wellbeing and safety of residents etc...’

Licensing Officer Comments:

The Statement of Licensing Policy can only deal with matters related to the Licensing Objectives. The Statutory Guidance specifically states at para 2.8 that public health is addressed in other legislation and is not relevant to Public Safety.

Para 2.11 In the first line we would suggest the addition of ‘Health’ so that it reads:

‘To achieve its aims the Council is committed to working in partnership with Cheshire Constabulary, Cheshire Fire and Rescue, Health... etc’

Licensing Officer Comments:

This is a matter for the Committee to consider.

Para 5.3 We suggest an additional bullet point:

‘Section 12 of the Health and Social Care Act (2012) gives the local authority the duty to take appropriate steps to improve the health of the people in the area.’

Licensing Officer Comments:

There are many pieces of legislation that can be included in this list, including some that directly relate to the licensing objective. *The Statement of Licensing Policy can only deal with matters related to the Licensing Objectives.*

Para 18.2 The Board is pleased to see reference to health related data as a source of evidence when considering an EMRO.

Licensing Officer Comments:

No comments

Para 19.3 The Board is of the view that the Licensing Authority should introduce a Late Night Levy to cover some of the costs incurred by the public sector in dealing with the consequences of alcohol related harm.

Licensing Officer Comments:

A Late Night Levy can only be considered if there is evidence to support its implementation and after a period of consultation. Consideration should also be given to the effect a levy may have on the night-time economy. Any levy collected would be divided between the CEC and Cheshire Police on a 30/70 split. CEC can only use its portion on tackling alcohol related crime and disorder. The Police can use their portion on anything they choose and are not required to use the money to tackle alcohol issues. The levy must also cover the whole of the CEC area and cannot be used to target specific problem areas.

Para 23.1 Add 'The Cheshire East Health and Wellbeing Board' as an additional bullet point.

Licensing Officer Comments:

This is a matter for the Committee to consider.

Response from Nantwich Town Council:

Thank you for the opportunity to comment on the Revised Statement of Licensing Policy.

Town Council considered the document at its meeting on 9 September.
Councillors resolved to make the following representations:-

1 That Cheshire East Council is recommended to consider the introduction of a late night levy on premises that have late night opening licences which are located in areas of stress within the Borough where an enhanced police presence is required because of activities associated with the night time economy. This would target those premises that create the greatest problems whilst allowing other establishments where there are no such problems to continue to open without a levy.

2 That Cheshire Council is recommended to consider the introduction of minimum alcohol pricing as in Newcastle.

3 That Cheshire Council is recommended to consider a ban of the sale of super strength alcohol as in Wakefield.

Licensing Officer Comments:

These are not matters for inclusion in the Statement of Licensing Policy

Responses from a Member of Cheshire East Council:

My comments on the above consultation are as follows:

1. Please could the existing policy be retained and be simply updated, as it is a better policy.

2. The draft licensing policy fails to acknowledge that the Government's legislative changes to the Licensing Act 2003 under the Police and Reform and Social Responsibility Act 2011 are about giving local people and Local Authorities a greater say, which should be included as the aim of the new policy:

- *Measures to give communities and local authorities greater control over alcohol licensing to tackle problem premises. They will have new powers to restrict premises from selling alcohol late at night if necessary and be able to clamp down harder on premises who persistently sell to children - doubling the fine to £20,000*
- *A stronger local influence on licensing decisions by allowing everyone the option to comment on licensing applications - not just those living close to premises, and ensuring health and policing concerns are considered more widely so that the impact of licensing on crime and disorder or public safety can be taken into account*
- *Introducing a late night levy allowing councils to charge for late-night licences to pay for extra policing - leaving premises to pay rather than the taxpayer*

<https://www.gov.uk/government/news/new-reforms-put-public-at-the-heart-of-policing>

Instead this policy does not give the LA greater control over alcohol licensing to tackle problem premises. It tries to curtail the Licensing Authorities discretion when the policy should only be guidance and makes it even more difficult to refuse a licence. It is based on a permissive view of licensing instead of helping to restrict licensing and reduce harmful drinking. The emphasis in the draft policy is in my view steering policy in a totally wrong direction and I hope the Licensing Committee will in the meantime retain the existing policy which is a much better policy.

3. Since the Cabinet in item 7 on the 17th of September 2013 may recommend asking the Licensing Committee to consider the introduction of a Late night levy in accordance with the existing statement of licensing policy. It would seem sensible to consider re-consulting on this policy at the same time, so that any changes on the late night levy can be included. In addition it would be helpful to do so, as there are a significant number of changes necessary to improve the proposed draft policy, to such an extent that a new consultation with a different better draft policy would be welcome.

4. The draft policy fails to spell out the important changes to the Licensing Act 2003 on who can make objections to licences as a result of the changes in section 105 to 108 of the Police Reform and Social Responsibility Act 2011, no longer just those in the vicinity as long as such objections are not frivolous or vexatious. Mention is possibly made in paragraph 22.4 but is so unclear, it needs to be spelt out, as many people are still of the belief that it is still only those who live or work in the vicinity that are entitled to object.

<http://www.legislation.gov.uk/ukpga/2011/13/notes/division/2/2/1/3>

5. The policy is written as if the aim is to promote and encourage licensed premises, and make it difficult to refuse, as if they are always beneficial, instead of adopting the more balanced approach in the existing policy. For example, please delete paragraph 5 of this draft policy except for 5.3 bullet point 1.

6. In line with Government thinking the focus should instead be on producing a licensing policy with the aim of reducing harmful drinking.

<https://www.gov.uk/government/speeches/late-night-drinking-consultation-on-secondary-legislation-for-the-late-night-levy-and-early-morning-restriction-orders>

<https://www.gov.uk/government/policies/reducing-harmful-drinking>

7. It should include a forward as in the existing policy, to say that it is just a guide and the Council as a Licensing Authority will ultimately determine each application on its merits.

8. The introduction in paragraph 1 of the existing policy is much better and clearer than in the new draft and places more details in the appendix.

9. Paragraphs 2 and 3 of the existing policy should be clearly repeated at the start. Paragraph 3 is very important as it makes the point of the need to consider each case on its merits and nothing should override an interested party (now “other persons”) or responsible authority to make representations. It is something mentioned later in the draft policy but should be part of the start of the policy in setting the scene.

Comments on the Draft Policy with reference to the Paragraphs in it.

Suggestions on the need for changes and deletions:

10. Please delete 1.3 as the aim of the policy should be to reduce harmful drinking and to give *communities and local authorities greater control over alcohol licensing to tackle problem premises*. This aim is to assist in making Licensing policy in line with the recently endorsed Cabinet report on the need to review all Council policies

on their health implications, in this case to reduce harmful drinking.
11. Please delete paragraph 2- aim and mission as above; include 4.6 of existing policy on the need for the balances mentioned in that paragraph of the existing policy.
12. Please delete paras 2.1. to 2.4, except retain the last sentence of 2.1. Para 2.2 sounds like licensed premises help with culture rather than the reverse.
13. 2.3 missing in numbering, please delete 2.4 except the first sentence.
14. Please delete 2.5 as unclear on the meaning of <i>equal importance</i> - do you need all 4 or is one of the objectives sufficient?
15. Paragraphs 2.6. and 2.8 are better stated in the current policy of paragraph 2 and in the correct place of priority.
16. Please delete 2.9. as it makes the policy over-riding which is contrary to paragraph 3 of the current policy allowing each case to be determined on its own merits.
17. Please delete paragraph 2.10- it fetters the discretion of the Licensing Authority and is unnecessary.
18. In paragraph 3.6 why does it not say it is the responsibility as opposed to normally is the responsibility of the premises licence holder?
19. Paragraphs 5 please delete 5.2. Contrary to reduction of harmful drinking and communities having a greater say.
20. Paragraph 5.4- confusing list what is safer clubbing –more details could be given in appendix.
21. Paragraph 6 fine.
22. Paragraph 7 generally fine except change word in 7.2 to <i>detrimental</i> rather than <i>significant</i> as level set too high, not allowing for Licensing Committee discretion.
23. Para 7.8 unclear on how long etc, not necessarily helpful.
24. Para 7.11 unnecessary?
25. Paras 8 to 10 should some of this description be in appendices to cut down the

length of the main body of the statement?

26. Para 9.7 information point but only a temporary measure and premises that are likely to be detrimental to peace and quiet and residential amenity should not be allowed. Need to stress that point in this policy as have done in the existing policy in paragraphs 8.3 and 8.4 which should be included in this policy. Please include these paragraphs.

27. Please add to last bullet point on 10.2 *and irresponsible drink promotions*.

28. Please delete paragraph 11 and replace by existing paragraph 7. Paragraph 11 is incomprehensible and the provisions for objections in 11.7 for objectors are not practical and unworkable. How will objectors know about occupancy rates and so forth? For example, objectors may wish to argue, for example, that an area of a particular town such as Sutherland Street and Park Green in Macclesfield has too many drinking establishments, creating a cumulative impact. It could be shown on a map there are too many and that should be sufficient. Government policy is to lower the evidential hurdle for cumulative impact policies not increase it as can be shown from the following link.

[http://www.instituteoflicensing.org/Public/Non%20Event%20Presentations/Home%20Office%20PRSR%20Act%20-%20presentation%206%2010%202011%20v1%204%20\[Compatibility%20Mode\].pdf](http://www.instituteoflicensing.org/Public/Non%20Event%20Presentations/Home%20Office%20PRSR%20Act%20-%20presentation%206%2010%202011%20v1%204%20[Compatibility%20Mode].pdf)

29. The explanation in paragraph 7 of the existing policy is much simpler and better. It will be tougher in Para 11 of new draft policy compared to Para 7 of current policy to argue about too many licences in an area, if the new draft Licensing Policy is adopted so should not be included as the idea is to reduce the evidential hurdle, but saturation areas are needed to prevent a cumulative impact and this area of the policy needs more work.

30. Please delete paragraphs 12.1 and 15.4, 17.1, 17.2, 21.3, 21.4, 22.3 and 22.6 as they are unnecessary and remove/limit the Licensing Committee's discretion and decision making powers.

31. EMRO- description in paragraph 18 could be in an appendix?

32. Paragraph 21.1 and 21.2 unnecessary just appendix 1 is sufficient.

33. Please delete paragraph 22.4 and provide a clearer explanation such as *A stronger local influence on licensing decisions by allowing everyone the option to comment on licensing applications - not just those living close to premises, and ensuring health and policing concerns are considered more widely so that the impact of licensing on crime and disorder or public safety can be taken into account*, as well as the impact on the protection of children from harm and the public nuisance which may be a result of the premises.

34. Please delete paragraph 22.5 as suggests that children will not be properly protected.

35. Please delete second paragraph 24.1 as it is not appropriate to suggest the principles should apply when new legislation may have changed the principles.

36. Please add at end about how it is possible to review the policy during the 5 years.

In summary, in comparison with the existing licensing policy the new draft policy is:

37. Less easily readable and understandable, in places impractical for objectors to operate

38. Far too long- extends from existing policy of 16 pages to 35 pages long.

39. It could be far more succinct and extra material placed in an appendices

40. Fails to include important points in the existing policy

41. Provides lengthy and possibly irrelevant material

42. Is so complex in parts that it could not operate in practice.

43. It fails to take account of the cabinet endorsed recommendation on the need for every new council policy to be considered in terms of its health and well being impact.

44. It is contrary to the Cabinet support for minimum unit alcohol pricing to improve the impact on the well being and reduce the increasing health costs of alcoholism.

45. It is a permissive policy which fetters the discretion and decision making of the Licensing Committee and allows the Committee and local people to have a less rather than greater say. It should be guidance only.

I would like to be informed when the Licensing Committee reviews this draft policy, as if possible would like to attend and speak.

Please confirm receipt of this consultation response sent on the 16th of September and within the consultation period.