

## Appendix B

Name of respondent	Summary of response	Officer comments and recommendations.
<p>Stirchley and Brookside Parish Council</p>	<p>Concerns regarding;</p> <ol style="list-style-type: none"> <li>1. Parish Councils are not consulted about applications in their area.</li> <li>2. What weight is given to concerns of local residents</li> <li>3. At what level of public nuisance would enforcement action be taken?</li> </ol>	<ol style="list-style-type: none"> <li>1. Parish Councils are not a Responsible Authority under the LA 2003 and must look out for the press and public notices in the same way as other interested parties.</li> </ol> <p>Licensing are in the process of having the applications put on a register on the web pages, which they will be able to use. However, can contact Licensing on a weekly basis to ask what apps rcvd and will be provided with this information.</p> <ol style="list-style-type: none"> <li>2. Any single representation to an application, so long as it relates to one or more of the licensing objectives, will result in the matter going to Committee. The committee will listen to all evidence on the day and make a decision with full reasoning. If a licence is issued and the premises become a problem, any one person can request a review of the licence. This will need to be supported by evidence.</li> <li>3. All complaints are investigated. The Licensing service can only prosecute for breaches of condition. However, a Responsible Authority or Interested Party can request a review of the licence based on the prevention of public nuisance. As nuisance is not defined in the Act, the Courts have applied the common law meaning of nuisance to such matters.</li> </ol>

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Mrs V Bagnall Furrows of Telford (individual)	<ul style="list-style-type: none"> <li>Wanted more to be done to get 16 – 17 year olds to carry proof of age cards with photo ID and DOB.</li> </ul>	This is an initiative currently being developed by NTE officers and PCT to offer free PASS cards to 16&17 yr olds.
Cllr Bob Groom	<ul style="list-style-type: none"> <li>Concerned that local branch of CAMRA (Campaign for Real Ale) were not consulted.</li> </ul>	The national branch of CAMRA was consulted as was unable to find contact details of a local branch. This should have been passed on.
Lawley and Overdale Parish Council	<ul style="list-style-type: none"> <li>Concerns that Parish Councils' not included as a responsible auth.</li> </ul>	This is because they are not defined as such under the Act. However, we have consulted widely in accordance with the Cabinet Office Code of Conduct.
Dawley Hamlets Parish Council	<ul style="list-style-type: none"> <li>Concerns that PCs are not a Statutory Consultee.</li> <li>Want notification of applications as a courtesy</li> </ul>	See above.
Mr M White Individual	<ul style="list-style-type: none"> <li>Concerns regarding drinking in public places.</li> </ul>	Considered inclusion but was felt that it was more appropriate to link to VCRA (Violent Crime Reduction Act) and DPPOs(Designated Public Place Orders) and the Safer and Stronger Communities.
Wellington Town Council	<ul style="list-style-type: none"> <li>Congratulated BTW on the policy.</li> <li>Raised concerns not relevant to the statement of licensing policy regarding taxis.</li> </ul>	This matter has been dealt with separately by the Licensing Operations Manager.

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Mr John Hockin Individual	<ol style="list-style-type: none"> <li>1. Concerns that the licensing objectives are not being met in the Newport area.</li> <li>2. That the system is bureaucratic for small events.</li> <li>3. Disagreed that the “previous licensing regime was outdated”</li> </ol>	<ol style="list-style-type: none"> <li>1. To respond to advise that if can establish a causal link to specific premises can apply for review.</li> <li>2. System has been established by Central Government and Licensing can't change this. DCMS currently looking at changes to reduce bureaucracy but nothing concrete.</li> <li>3. A comment of Central Government in consolidating previous legislation.</li> </ol>
Graham Nicholas	<ol style="list-style-type: none"> <li>1. Concerns related to the prohibition of alcohol in all town parks during official booked events, as advised by the Landscape and Recreation Department at Telford and Wrekin Council.</li> <li>2. Concerns that this is an automatic alcohol ban</li> </ol>	<p>The consumption of alcohol is not a licensable activity and is outside of the remit of the Licensing Authority. However, as the owner of the land the landscape and recreation dept can make it a condition of hire for events. For the sake of clarification a section has been added on public spaces at 5.6 of the revised guidance.</p>
Hadley Parish Council	Felt that current policy served its purpose well and supported its unchanged retention	
High Ercall Primary School PTA	Concerns about procedure and pricing structure for events.	<p>Respond to advise that fees are set by Central Government not BTW – no discretion to change. However, make them aware that they can apply for a premises licence for regulated entertainment and LNR and be fee exempt. Will only have to pay if involves alcohol and could pass that cost on to the publican? We advise this to any schools/community centres that apply for TENS already.</p>

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Wellington Civic Society	<ol style="list-style-type: none"> <li>1. Wanted landlords to be made responsible for glasses and bottles not leaving premises.</li> <li>2. Concerns re smoking areas and planning permission</li> <li>3. Want all premises to be installed with internal and external CCTV. States that some premises have this as a condition but do not comply.</li> <li>4. Want a ban on street drinking in certain areas of wellington.</li> <li>5. Wants food take away premises to pay additional rates to cover keeping streets clean.</li> <li>6. All late night premises to have notices for patrons to respect residents and keep quiet.</li> </ol>	<ol style="list-style-type: none"> <li>1. All licences are different. Some have this as a condition of licence, need to identify premises. If does have a condition is a breach so can request review of licence, or advise EH</li> <li>2. This is a matter outside of the remit of the Licensing Authority and would be better addressed by EH/Police. Again can request a review under grounds of prevention of public nuisance.</li> <li>3. Can not enforce blanket conditions. If he knows of premises that have this as a condition but don't comply, needs to report this to us and the police. A review can be requested or prosecution considered.</li> <li>4. This is outside of the remit of licensing. Refer to the CDRP and police to investigate and evidence as such DPPOs are under the VCRA.</li> <li>5. This is outside of the remit of the licensing act. Contact Environment Health (Environmental Protection Act??)</li> <li>6. Cannot enforce blanket conditions. Can only add conditions at grant, variation or review, if relevant representations are received and relevant to the promotion of the licensing objectives. This is reiterated in revised document at 6 and 6.1.</li> </ol>
Anthony Minshall Premises Licence Holder	No comments	
Mr Michael Hibbert Premises Licence Holder	No comments	

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Cecil Walker Premises Licence Holder	No Comments	
Mary Jane Broadhurst Personal Licence Holder	No comments	
Jagdish Sangha Personal Licence Holder	No comments	
Oakengates Tandoori Restaurant Mr Abdul Khalique Premises Licence Holder	No comments	
Steven Hawkins – Premises Licence Holder	No comments	
John Francis Personal Licence holder	No comment	
Sudhir Patel Personal Licence holder	No Comment	

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Dawley Hamlets Parish Council	Concerns regarding;  PCs are not consulted about applications in their area.	As above
<b>Environmental Health – Telford &amp; Wrekin Council</b>  Ian Moorhouse	Concerns that; <ol style="list-style-type: none"> <li>1. policy too brief</li> <li>2. Felt scope to extend to advise and assist applicants and objectors</li> <li>3. Not enough of a balance of licensing objectives</li> <li>4. Too much on children</li> <li>5. To amend about “no general presumption in favour of lengthening licensing hours” as per current guidance</li> <li>6. Reference made to Royal Borough of Kensington and Chelsea Policy and Doncaster Policy.</li> <li>7. TENs not covered sufficiently</li> <li>8. No info on fact that neither TEN or licence allow a person to create Statutory Nuisance</li> <li>9. Not enough signposts to list of conditions and persons who can offer advice.</li> </ol>	<ol style="list-style-type: none"> <li>1. Have extended the policy by over 50%</li> <li>2. Agreed with this point, carried out a benchmarking exercise amongst family group and based on common queries experienced over the last 3 years and added and amended accordingly.</li> <li>3. Agreed with this point and amended. A section on each of the licensing objectives added along with details of who can assist on each area.</li> <li>4. Will always be slightly more emphasis on children as children and licensed premises are mentioned in the guidance in addition to the licensing objective, so the policy is only reflective of the guidance.</li> <li>5. Amended.</li> <li>6. Considered in conjunction with 3, and utilised parts along with DCMS guidance, and policies from Luton BC and Herefordshire. The Doncaster policy was slightly too large, but considered in relation to Public nuisance and noise.</li> <li>7. Amended in accordance with 3. Also planning launch of a TEN leaflet and revised guidance and promo campaign in 2009.</li> <li>8. Amended in the new pages on each objective and section on TENs.</li> <li>9. Amended as per point 4. Will also link with integrating strategies and CIEH/noise/DEFRA</li> </ol>

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<p>Nigel Houlston - <b>Regulation and Resilience Manager – Telford &amp; Wrekin Council</b></p>	<ol style="list-style-type: none"> <li>1. To incorporate the Council’s Alcohol Harm Reduction Strategy as agreed by members.</li> <li>2. Possible Alcohol Control Measures such as Alcohol Free zones and alcohol disorder zones.</li> <li>3. Reference that in compiling the policy that account was taken of the Council’s other considerations in relation to the 6 equalities.</li> <li>4. Comment on recent development in respect of NTE to be integrated into policy</li> <li>5. To consider the statement that the Council will not impose conditions that “restrict lawful competition” in relation to certain lawful yet ill considered practices.</li> <li>6. Council’s own set of “pick and mix” licence conditions.</li> </ol>	<ol style="list-style-type: none"> <li>1. This has now been incorporated. It had not been fully agreed at the time of the last review.</li> <li>2. Alcohol Disorder Zones had not been passed at the time of the last review. This and DPPOs are more the responsibility of the CDRP – safer and stronger communities partnership than the LA as they come under the VCRA. The policy links to the Safer and Stronger website, and mentions the VCRA in integrating strategies. This seems adequate on behalf of the licensing authority.</li> <li>3. This has been incorporated.</li> <li>4. Specific mention to the NTE, its promotion and initiatives has been made in the revised policy.</li> <li>5. This has been amended to refer to competition law in relation to discounting and sales promotions as per the national guidance at 10.38. Anything else would be overly prescriptive and outside of the remit of the Act.</li> <li>6. Suanne Fisher advised to use the DCMS pool of conditions to avoid accusations of standardised conditions.</li> </ol>

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<b>Trading Standards - Telford and Wrekin Council</b> – Anita Hunt	<ol style="list-style-type: none"> <li>1. To make mention of the appointment of the NTE officer and how this will aim to improve the NTE in general.</li> <li>2. Specific mention to the Alcohol Strategy</li> <li>3. Specific mention to joint working</li> <li>4. NTE – expand on working together, responsible management, training and good practice.</li> <li>5. Equal weight to be given each of the licensing objectives.</li> <li>6. Referred to Warrington Statement of Policy</li> </ol>	<ol style="list-style-type: none"> <li>1. Specific mention made to NTE officer but not as a new appointment and how this will improve NTE as is a temporary post and implementation depends on funding. Feel that if we make specific mention and then these do not materialise this may make a rod for our own backs. In addition, the business plan for NTE will cover such things. The revised policy includes a greatly expanded section on the NTE.</li> <li>2. This has been made. (see response from NH)</li> <li>3. Partnership working is encouraged and mentioned throughout the revised policy, an amended section on integrated strategies and a specific section on</li> <li>4. Have added a specific section on the NTE detailed good practice/Responsible management/supervision and training of staff at licensed premises/partnership working/initiatives such as Bar Code and Safer Nights/Alcohol harm reduction strategies – local and national/Portman Code of Conduct and Proof of age cards and Challenge 21/25 schemes.</li> <li>5. This has now been done (refer to the response from Environmental Health – Ian Moorhouse).</li> <li>6. Utilised information from the benchmarking exercise and the recommended Warrington Policy.</li> </ol>
David Goss – <b>Local Safeguarding Children Board</b>	No comments, other than to amend the contact telephone number to 01952 385678	

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<p><b>British Beer and Pub Association</b> – Dr Martin Rawlings MBE - Director</p>	<ol style="list-style-type: none"> <li>1. Welcomes BTW’s positive approach to the licensing of the sale of alcohol and the provision of public entertainment, which recognises the cultural and social contribution that the licensed trade has to make.</li> <li>2. Concerns that may not have chance to respond if further changes are made.</li> <li>3. Requested clarity on wording on p8/9 that suggest conditions limiting the access of children upon receipt of representations.</li> <li>4. Concern re duplication of existing offences re under 18 in section on Portman Code of Practice.</li> <li>5. Wanted policy to support proof of age schemes.</li> <li>6. Wanted a risk based approach to be added to requiring premises to use glass alternatives.</li> <li>7. Reference to the BBPA guide to risk assessments</li> <li>8. Wanted it to be made clear that the Licensing Authority cannot attach conditions unless volunteered by the applicant or determined by the LA following representations and if necessary for the promotion of the objectives.</li> </ol>	<ol style="list-style-type: none"> <li>1. No comment</li> <li>2. As it is intended to make further 12 week consultation of the proposed amendments, we will ensure the BBPA receive a copy to make further comment.</li> <li>3. Agreed that this needed further clarification. Removed section that caused confusion previously. Added new section specifically on relevant representation at 6.1 and at 6 – specifically states that “<b>Unless relevant representations are received from responsible authorities or interested parties, there is no provision for a licensing authority to impose conditions on a licence other than according to the voluntary steps which the applicant proposes to make in their application.</b>”</li> <li>4. Agreed and removed section of the policy that duplicated the offence of selling to underage. Simplified section referring to the code of practice in its place.</li> <li>5. Agreed and amended section to show support of such schemes at 3.6</li> <li>6. Removed this section as felt that it was not for the Licensing Authority to highlight just one type of condition. Instead make reference to responsible management and good practice at 3.1 &amp; 3.2 referring applicants to BBPA good practice guides on lots of issues to be considered. Feel that this allows more freedom of choice and is not overly prescriptive on the part of the licensing authority.</li> <li>7. Covered in point 6 above.</li> <li>8. This has been done in section 6 and 6.1 of the revised policy.</li> </ol>

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<p><b>Safer and Stronger Communities Partnership – Tom Currie</b></p>	<ol style="list-style-type: none"> <li>1. Concerns that there was a fine line between allowing premises to be used for alcohol and entertainment and encouraging the excessive use of alcohol through cheap drink promotions.</li> <li>2. States there are sufficient instances of drink related behaviour exacerbated by drinks promotions borne out by Police data.</li> <li>3. Stated that such evidence could form part of the cumulative impact assessment for this policy.</li> <li>4. Details that consumption of alcohol should be controlled.</li> <li>5. Reference to drunk persons being served by bar staff. Wants full compliance on training for bar staff as a licence condition.</li> <li>6. Wants stipulation of requirements for CCTV for premises where large congregations of people gather.</li> <li>7. Wants reference to risk assessments and other legislation that applies.</li> <li>8. Wanted specific mention to Safer and Stronger Communities Partnership (CDRP) even though not a Responsible Authority as they work closely with the RA Group.</li> </ol>	<ol style="list-style-type: none"> <li>1. This is a matter that is not addressed by the LA 2003 and is currently being considered by Central Government with the Policing and Crime Bill and a proposed alcohol code due to go to consultation very soon.</li> <li>2. Licensing Officers have attempted to obtain police data and data from Safer and stronger communities to no avail in the past, as has the NTE officer. If such evidence exists and can be linked to specific premises, the police can and should request a review of licence. The Licensing Authority cannot request a review.</li> <li>3. This should and needs to be made available on a regular basis. It is proposed to bring in a Forum for all stakeholders, responsible authorities and the public in 2009. This will allow the potential to declare areas under a saturation policy. The accumulation of such evidence is the ideal area for the NTE officers and CDRP to work together on. At present, BTW do not have a cumulative impact policy as it has not had sufficient evidence provided to warrant this. Any such evidence must be formally presented to the Licensing Authority for consideration.</li> <li>4. The consumption of alcohol is not a licensable activity and as such cannot be controlled by the LA 2003. Sufficient mechanisms exist to control excessive consumption by offences of being drunk and disorderly under the criminal law, and through the instigation of DPPOs under the VCRA. These are outside of the remit of the Licensing Authority.</li> </ol>

		<p>5. Serving persons already drunk is an offence under section 141 of the LA 2003. If any such premises are reported to the Licensing Service then the enforcement officers will investigate and gather evidence and may prosecute. In addition, if the police have evidence of such behaviour, then they can request a review of the licence. This is sometimes more effective and expedient than a prosecution, and can result in a licence being withdrawn or restricted. It is not possible to add blanket conditions in relation to training or any situation, and the licensing authority can only add conditions at a hearing further to a request for an application/variation or a review where it is necessary for the promotion of one or more licensing objectives. Therefore evidence is crucial. However, through the Forum/Liaison groups it is proposed to enhance and develop the trade awareness of a number of qualifications. This has been mentioned at 3.2 &amp; 3.3 in the revised policy in the specific sections on Responsible Management and Supervision and training. Links to course providers has also been provided.</p> <p>6. As stated at point 4 above, the licensing authority cannot add conditions unless a relevant representation is made at application for a licence or variation or review and can only do so when it is considered necessary for the promotion of the licensing objectives. However, the revised policy contains the DCMS pool of model conditions which makes reference to CCTV and the use of polycarbonate glasses as referred to in the response.</p>
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