

LICENSING POLICY CONSULTATION – GENERAL COMMENTS

Document Number	General Comments
4	The policy does not indicate the timescale for making applications for the new licence. I understand it's February - November 05. Surely the policy cannot be fully adopted (the draft suggests February) until the Acts 'Second appointed date' in November 05. No mention is made that applicants will need to advertise if they apply for a variation, so local residents, police etc can make representations if they wish to. No mention is made of the appeals procedure if the Council imposes restrictions; I understand you go to the Magistrates Court.
5	Outdoor events are not mentioned.
8	I think this policy should also include requirement of training needed to each type of licence. If training is not available from elsewhere, the city council should provide training.
10	Very comprehensive and easily explained.
19	Overall it is pretty good and I hope that everything it contains comes to fruition.
20	I don't believe the Licensing Policy will help improve anything. If most applicants who apply are likely to get the licence then where's this leading? This is only set out for government to make more money.
21	Unfortunately I did not understand any of the Draft Licensing Policy document you sent me, as I did not get the version written in plain English.
22	I think the Draft Licensing Policy is very complex and not easy to understand when most of us have no part of it. I only know restrictions should be brought into place when issuing licences. Derby needs to be made a safe place for a family to be able to go out on a Friday & Saturday evening, without encountering drunks and violence. There are too many issues in this draft to comment on all of them.
26	I believe it should be a condition of every licensed premises that they do not have exterior speakers, or internal speakers situated so as to intentionally allow sound to escape. If this is a condition of all licences I believe this would strengthen the power of the

	Council to prevent noise nuisance. I am able to name the Dolphin and Greyhound (Friar Gate) as offenders, and many premises from Bold Lane-St Werburgh's up Sadler Gate, but I am sure these are but a few of those currently causing offence. I would like to see the opportunity taken to ban "A" frame advertising on pavements as a condition of licensing. The City Council seems powerless to take action when I have made complaints. I mention by way of one example the Thirsty Scholar at the junction of Friar Gate and Ashbourne Road where an "A" frame is a considerable danger by forcing pedestrians to the edge of the pavement, and at a point where pedestrians are also blocking the pavement whilst waiting to cross.
28	I think the draft policy is very thorough both in its aim to outline the way the council will make their decisions on licensing in Derby and ensuring that licensed premises achieve their objectives of protecting the general public. The policy seems very fair and hopefully will protect our community from crime and public nuisance.
30	Any person causing trouble of any description should be suitably punished. Alcoholic drinks should not be sold to anyone who has already over imbibed. Maximum supervision at all events at all times.
34	I think careful thought needs to be given in finding a balance between a commercial business having the right to trade and the right of the individual citizen not to have their 'liberty' effectively limited by the behaviour of those who misuse the 'product' sold by the licensing trade.
36	This is a massive document for somebody representing a small organisation (church hall) to have to read and identify relevant parts. Can this not be simplified i.e. provide an index to various organisations e.g. clubs, bars, church halls etc?
39	Appendix D, No specific mention is made regarding late opening hours & clients leaving the premises by car. Car doors being slammed & engines revving etc can cause a nuisance and disturbance to nearby premises. These aspects should also be considered when an application for a licence is made. A suitable clause or paragraph should incorporate the above.
43	Following the meeting on 13/10/04, the Council appeared to be asking for a swift switch over of current licences by not asking for variations (i.e. ask for these later on when the workload will be easier). This is ok but a question was asked from the floor about bank holiday extensions (currently from the Magistrates Court) will the Council grant them instead? Answer was no, and also some further definition of Temporary Event Notices is needed because would it mean initially using one for every bank holiday and other odd occasions when you need an extra hour for a club function etc, medium term you would cover these in your variation application.
48	The policy is written in difficult jargon for the public or trades people to understand. I understand that for legal reasons it must be written in this manner however is it not possible to make a second more user-friendly version or 'easy to read' summary, perhaps giving examples or situations which may apply to the more complicated to understand clauses?

49	The whole tenor of the policy seems to favour the licensed premises especially those which supply alcohol, premises which provide entertainment such as theatre, dancing or the quiet enjoyment of a meal are heavily outweighed by pubs and clubs. Many people no longer even consider an evening in the City because of this. Can greater consideration be given to those who prefer quiet entertainment? Surely this would make good commercial sense in the long run and more people would use the City centre again as a place of entertainment. I speak for the silent majority.
50	I originally understood that small public houses would be exempt from the full conditions as required by the current entertainments licence. By small I mean under 100 people. We seem to be seriously disadvantaged with being unable to provide a platform for new aspiring groups and a karaoke, which my customers would appreciate. But acquiring a full entertainments licence is a cost I cannot justify.
56	I would like to see greater weight be given to any local residents objections or concerns about a license premise. After all we all go home at night, they have to live there.
57	We only have 4 occasional permission licences throughout the year, a very quick and painless procedure; will the same time limits apply?
59	The Secretary of State recommends that all licensing authorities should <i>hold</i> regular open meetings, well publicised within the local community, at which the community can express how well it feels the licensing objectives are being met. This could readily be met within the existing framework of Area Panel Meetings. If this is agreed, it should be documented in the Policy and the Area Panel notes. Also, bearing in mind the liberalisation of licensing hours, it is disappointing that there is no guidance or indication what the Council thinks should be an appropriate closing time for licensed premises in residential areas. I know that residents can make representations. If a free for all prevails, then the Licensing Committee is going to be faced with a series of such representations and is going to have to consider either to set a closing time or actual/y refuse licenses. I think it is unfair of Government to waive this responsibility. If closing times are not set, then it appears that each pub will have to set its own closing time. Where these are different, there will still be the same kind of drunken migration that the Government is so keen to avoid. At the moment, pub closing times are consistent and everyone knows what this closing time is. Allowing variation in closing times will cause confusion and much argument where customers feel a pub is closing before its legally allowable closing time. It may thus be sensible for city pubs to agree a consistent closing time. Since this appears to contradict Government thinking, will this be permitted? I am concerned that the legislation may be biased overmuch to the applicant. A new or extended licence is a serious matter for residents, who may find it difficult to attend a licence hearing or indeed feel intimidated by making a personal appearance. I know that the Licensing Committee is supposed to consider written representations, but I don't think these can carry so much weight against the arguments of the attending applicant's solicitor. I would therefore be pleased if the Council could provide an advocate to represent the concerns of private residents.

61	It seems to have covered all problems at the moment.
64	Draft Policy does not cover performers 'Employed by Councils' etc being covered by any Public Liability Insurance, Police checks on performers. Have Equity been consulted or any Performers been contacted with regard to Local Policy.
65	Please consider inviting respondents to seminar/round table between advisory committee and licensing and appeals committee.
67	On the whole most areas seem to be covered in a "sensible" manner. My main concern is that the city provide sufficient "enforcement officers" to control "nuisance" areas and on street drinking.
69	As well as Planning, I think it is very important that the Building Consultancy i.e. Building Inspectors receive a copy of the whole application, although they may come under the Planning and Development heading they do not appear to be mentioned anywhere in the draft document.
70	I suggest a simpler form for premises like ours that do not apply for a drinking licence.
75	The Draft Licensing Policy is very narrow; The Draft Licensing Policy lost its validity by excluding an important section of the social community (I.e. old people) in the business world which (DDA) protects them. When old and disabled people do not exist in the D.L.P., I am unable to comment or suggest anything to it. Nevertheless, I shall be more than happy to talk if you want me to.
76	I feel that the policy has been well thought through, and has covered all relevant areas. Will it cost me money to obtain a licence? Do I have to get a **** **** in obtaining a licence? If the answer is yes please could you let me have details in writing as soon as possible.
81	There is no specific reference to community centres, either run by the council or independently managed. The situation needs to be made clear in respect.
83	A very concentrated set of papers to read, As a member of the Derby City Council Women's Advisory Committee, I am interested in children, families and young peoples needs, safety in terms of Health, Social, Cultural, Equalities and Educational issues. I would say quite a thorough and defined Licensing Policy. As a user of various establishments I would like to say that although A5 mentions "Plastic containers to promote public safety", some places and specifically family friendly often <u>do not</u> have plastic cups or glasses for use for children when requested. Obviously it depends on age of children that a plastic cup is requested for personal safety purposes in particular. However to promote services/features/facilities and business success then all

	establishments/applicants should consider child safety needs as a priority in their applications if appropriate to their business needs.
84	<p>On the whole there is a positive feeling that this new process will make life easier in the long run, however there will be a requirement to think further ahead and develop policy documents and statements when applying for a licence. Support may be required by arts organisations operating venues, in developing their new documents.</p> <p>Is National Licensees Certificate still a requirement when applying for alcohol licence?</p> <p>Law on alcohol sale is not included – is there a separate document, which outlines alcohol sales in fine detail.</p> <p>It is impractical to expect a licence holder to be on the premises at all times. Perhaps their needs to be more room to delegate/name a number of representatives on the Policy. Need all duty managers to be registered at Assembly Rooms if this is the case.</p>
85	<p>We recognise that Derby City Council needs to adopt a policy relating to all licensed premises in the city. However, it is our view that the city centre and the suburbs are so significantly different as to warrant a separate approach for each.</p> <p>We are aware that the Broadway Public House is intending to apply for an extension of hours on Friday and Saturday nights. Recently we had cause to write to the owners and complain about disturbances being caused by their customers leaving late at night, sometime over an hour after last orders had been called.</p> <p>We would wish you to know that we feel very strongly about this and intend to object to any additional hours if they are applied for. Indeed we are currently considering an objection to the current licence when it comes up for renewal in February.</p> <p>Given our deep concerns about the possible operational hours in the future, could you advise us what opportunity we will have under the new regime to object to any change in hours?</p>
86	<p>There are enough licensed premises in Derby already, I feel there is no need for more licensed premises.</p> <p>I would prefer licensing hours to remain as they have been in the past i.e. 11pm Monday to Saturday 10.30pm Sunday.</p>
87	<p>By way of general observation, it is our belief that a Council's licensing policy should be a helpful document in making clear to all the view, which the Council takes on a variety of issues connected with the new licensing regime. It follows from this that the more detail that is contained within the policy, the more helpful it is to those who read it. It is of particular concern to the British Institute of Innkeeping and its members that there should be sufficient detail to enable those applying for licences to be quite clear about what is expected of them. This saves the time of both applicants and the staff of the many regulatory authorities in dealing with queries, which may be avoided. We note that Derby's policy does provide a measure of useful guidance for applicants and also does at least acknowledge some of the limits on the powers granted to the Council.</p> <p>The British Institute of Innkeeping is a body, which supports and encourages the raising of professional standards within the licensed retail sector. Both the organisation and its members would support and already adhere to many of the 'conditions' to which this policy and the Secretary of State's Guidance make reference. It is the Government's intention through the new</p>

	<p>licensing regime to increase professionalism and responsibility within the sector, we already support these aims through our awarding body, the BIIAB, with a range of nationally accredited qualifications tailored to the sector. One of these qualifications, the National Certificate for Personal Licence Holders is a prerequisite for the granting of a personal licence; but there are further qualifications such as the National Certificate for Entertainment Licensees; the Drugs Awareness Certificate; the Barperson's National Certificate, and the Professional Barperson's Qualification etc.</p> <p>We have found that where licence holders and their staff take these qualifications it has a beneficial impact on the way in which premises are operated and in consequence would have a positive impact on the licensing objectives. We do not believe that the control of licensed premises is all about the imposition of conditions and restrictions. We feel it is important to recognise the positive benefits to be gained from those who invest in proper training for staff members.</p> <p>I draw these matters to your attention as you may consider it appropriate to draw attention to these qualifications and also that the licensing policy should reflect that the Authority will take a positive view of those who do invest in such training as one important method of promoting the licensing objectives.</p> <p><u>Summary of the Draft Licensing Policy – 4. Licence Applications</u></p> <p>We would just like to point out a couple of inaccuracies within the Licensing Policy Summary. Firstly, none of the licences issued under the Act need to be renewed annually. Secondly, there are no provisions for a review to be requested of a personal licence. And finally, all premises, not just shops and supermarkets may apply, if they so wish to sell alcohol or have entertainment throughout the 24 hours.</p>
89	<p>In principal, I have little comment to offer on the proposal but seek guidance on the following items: -</p> <ol style="list-style-type: none"> 1. Under what circumstances are the 4 types of licence required? 2. This draft seems to relate to commercial premises. How do they relate to community premises such as Sinfin Moor Church? 3. As a Church, we do not seem to fit any of the headings covered by the Introduction on page 1 of the summary and would ask for guidance on how the new proposals will affect us bearing in mind that we have only a very small number of public entertainments in any one year.