

LICENSING POLICY CONSULTATION – SPECIFIC COMMENTS

LICENSING POLICY PARAGRAPHS

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
68	1.5	<u>INTRODUCTION</u> "The Council may depart from its own policy...." This could translate as the 'economy' being placed above the safety and amenity of communities and it needs to be made clear in exactly what circumstances the Council would depart from its own policy.	This is not the case. The Council's reasons would have to relate solely to the licensing objectives. <u>Recommendation</u> The existing wording is retained.	Agreed.
65	2.1	<u>PURPOSE OF THE LICENSING POLICY</u> Explain fully "Sustainable"	It retains the dictionary explanation. <u>Recommendation</u> The existing wording is retained	Agreed.
58	2.4	<u>PURPOSE OF THE LICENSING POLICY</u> The policy will be reviewed at least every 3 years. In the preparation and publication of this policy, the Council will consult with: <ul style="list-style-type: none">• Derbyshire Constabulary• Derbyshire Fire & Rescue Service• Existing Licence holders and their representatives• Existing holders of club premises certificates and their representatives• Existing holders of personal licences• Representatives of business and residents in	The DCSP is already included within "other relevant bodies". However, there is no objection to include DCSP within the specified list, and include the extra words in the 'other relevant bodies'. <u>Recommendation</u> To amend the paragraph as requested	Agreed.

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		<p>the City</p> <ul style="list-style-type: none"> • <u>Derby Community Safety Partnership</u> • Other relevant bodies, i.e. those involved with the reduction in <u>crime, disorder and anti social behaviour</u> consumer protection, planning & development, tourism, child protection, transport, alcohol <u>harm</u> reduction, local performers etc. 		
65	2.4	<p><u>PURPOSE OF THE LICENSING POLICY</u> Consultation at review should include any interested party, especially respondents to original consultation 2004.</p>	<p>At review, the consultation process would be identical to this occasion. Respondents to the original consultation will be added to the list of consultees. <u>Recommendation</u> No amendment necessary to the Policy.</p>	Agreed.
68	2.4	<p><u>PURPOSE OF THE LICENSING POLICY</u> The leaflet states that public comments are needed; yet the Policy Review 2.4 does not list members of the public as consultees.</p>	<p>The public's views are already included in the term 'resident' <u>Recommendation</u> The existing wording is retained.</p>	Agreed.
65	2.5	<p><u>PURPOSE OF THE LICENSING POLICY</u> "Appropriate" – in whose view?</p>	<p>The 'appropriate' view is the Council's. <u>Recommendation</u> No amendment necessary</p>	Agreed.
18	3.1	<p><u>SCOPE</u> More information should be included to cover what is meant by 'temporary events' i.e. types, sizes, fundraising, charitable etc. Do all 'temporary events' i.e. one offs relate to the policy?</p>	<p>This is included in the statutory guidance. More information is to be included in the guidance notes issued to</p>	Agreed.

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			businesses. <u>Recommendation</u> No amendment necessary	
51	3.1	<u>SCOPE</u> Museum & Art Gallery at present has an 'Entertainment Licence' as occasionally we have a 'Trio' or musician ie Sitar Player to accompany an exhibition or to perform at an activity, as we are a 'Public Venue' we have had charges dropped. Do we need a premises licence in the future?	Specific query not related to the Policy <u>Recommendation</u> No amendment necessary	Agreed.
65	3.1	<u>SCOPE</u> Identify Licensing Act 2003 relationship to Fireworks Act(s)	None <u>Recommendation</u> No amendment necessary	Agreed.
67	3.1	<u>SCOPE</u> I feel that "Temporary events" e.g. fundraising field days and concerts etc should be free of restrictions (except health & safety concerns) if the events are staged for less than 3 days in each year.	Temporary events are defined by legislation. The Council is not at liberty to action this. <u>Recommendation</u> No amendment necessary	Agreed.
65	4.1	<u>INTERPRETATION</u> Produce glossary	Government guidance does not include a glossary. Will include appropriate definitions in guidance notes to be issued. <u>Recommendation</u> No amendment necessary	Agreed.
68	5.10	<u>FUNDAMENTAL PRINCIPLES</u> 'relevant representations' should also concern details of public harm/injuring of amenity/violence suffered/etc by members of the public, through	The wording is 'fixed' by Government guidance, but in any event in reference to the licensing objectives,	Agreed.

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		drink-fuelled disorder at the area/vicinity of the potential licensed premises	it includes crime and disorder issues. <u>Recommendation</u> The existing wording is retained	
59	5.11	<u>FUNDAMENTAL PRINCIPLES</u> The Policy does not say anything about informing the public and businesses about applications but this clause makes it clear that the timescales (on such notices) must be adhered to. The present system of advertising such applications is insufficient and biased to the benefit of the applicant. Notices are normally placed in the Derby Evening Telegraph and outside the premises. However, the newspaper notices are in small print and often difficult to see. Notices outside premises are small and sometimes placed where they are not easily viewed. The Policy should require applicants to display easily and clearly visible notices and should require the Licensing authority to inspect and ensure that notices are clearly and properly displayed. Where they are not, the applicant should be required to put this right and the deadline for objections should be readvertised and extended accordingly.	This matter is dealt with entirely by the Regulations and allows the Council no discretion to change this. <u>Recommendation</u> No amendment necessary	Agreed. Issue to be reviewed at the next Policy review stage.
59	5.12	<u>FUNDAMENTAL PRINCIPLES</u> I am worried that "repetitious" representations would not be considered. I have experience of a local pub that has changed owners many times. Each new owner has applied for a further extension to drinking hours. The objections to each new application have necessarily been repetitious. Why should this cause these objections not to be	Although the officers recognise the consultee's concern, the term repetitious is laid down in the Act and statutory guidance and cannot be amended.	Agreed.

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		considered? What about repetitious or frivolous applications? These should also be rejected.	<u>Recommendation</u> No amendment necessary	
22	5.13	<u>FUNDAMENTAL PRINCIPLES</u> It is my opinion the Council is far too lenient in allowing for too many licences, perhaps they should consider opening a decent place for the elderly in the centre of town.	Comment does not relate specifically to the Policy. <u>Recommendation</u> No amendment necessary	Agreed.
49	5.14	<u>WHERE NO RELEVANT REPRESENTATIONS ARE RECEIVED THE APPLICATION WILL BE APPROVED</u> Surely the Council should be empowered to refuse an application if it is aware that premises are inappropriate in some shape or form. To approve a licence by default is a very risky thing to do.	This is laid down in the Act and the Council has no discretion to change this. <u>Recommendation</u> No amendment necessary	Agreed.
59	5.14	<u>FUNDAMENTAL PRINCIPLES</u> Does this mean that, if no one who may be affected has seen the notice of application, the licensing authority will not need to bother with the policy objectives or clauses 5.4, 5.5 & 5.6? Surely this cannot be right? There seems to be no requirement in the policy to consider the previous history of licence applications concerning the premises. Surely the Committee has a duty to review all aspects, even if no representations have been made. This clause appears to be taken from Clause 3.14 of the Government's 'Draft Guidance under Section 182 of the Licensing Act 2003'. This is actually contained within the section on Cumulative Impact and nevertheless requires the Licensing Authority to consult local residents should an area be nearing the point where there would be cumulative impact.	Applicant will still need to complete relevant parts of the application. However, only Responsible Authorities can make representations in respect to these and the Committee can only consider these. Comments about cumulative impact are not relevant to this paragraph. <u>Recommendation</u> No amendment necessary	Agreed. Issue to be reviewed at the next Policy review stage

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43	5.15	<u>FUNDAMENTAL PRINCIPLES</u> The plan of the premises, I feel we need further guidance and an example	Guidance will be provided on this issue. <u>Recommendation</u> No amendment necessary	Agreed.
59	5.15	<u>FUNDAMENTAL PRINCIPLES</u> Bullet point 3: I suggest: "to <i>address</i> the licensing objectives".	'Achieve' was taken from the guidance and should be retained. <u>Recommendation</u> The existing wording is retained	Agreed.
83	5.15	<u>FUNDAMENTAL PRINCIPLES</u> As the application is made I feel "Health & Safety, Disabled Accessability and Planning Consent Authorization validity and certification details" should be included.	These matters may be commented on by the Responsible Authorities but may also be addressed via primary legislation. ie. planning. <u>Recommendation</u> No amendment necessary	Agreed.
87	5.15	<u>FUNDAMENTAL PRINCIPLES</u> We have some concerns over the statement that applications will not be valid unless properly made. We do not object to the application of this principle to procedural requirements such a plan of the premises as indicated. However, we do not consider that the authority would be acting within its powers by refusing to accept an application because it considered that the operating schedule had not sufficiently addressed one or more of the licensing objectives. Proper consideration of such matters would follow from any relevant representations that were made.	Applications could be seen not to be valid if application has been left blank, i.e the applicant failing to demonstrate how he/she was going to achieve the 4 licensing objectives. <u>Recommendation</u> The existing wording to be retained.	Agreed.
55	5.16	<u>FUNDAMENTAL PRINCIPLES</u> This section requests information above the	Officers agree wording should be changed to	Agreed.

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		requirements of the Act and Guidelines. The areas covered by this section would be addressed through the contents of the plan and operating schedule submitted as part of the application and as per para 5.15.	read: 'The application <u>may</u> also include' instead of 'should'. <u>Recommendation</u> To amend the wording accordingly.	
83	5.16	<u>FUNDAMENTAL PRINCIPLES</u> It would be appropriate to verify the applicant(s) comply with the Race Relations Act and Race Equality Scheme. Also “details of how Health & Safety procedures in place”, “Information on allocated/designated areas where families/children friendly access availability and safety addressed.	Outside of the scope of the Act. <u>Recommendation</u> No amendment necessary	Agreed.
87	5.16	<u>FUNDAMENTAL PRINCIPLES</u> We would submit that the matters listed here should, to the extent to which they are relevant to any particular premises, be included within the operating schedule. Therefore there is no need for the application to “also include such information”, or for it to be included where it is not pertinent.	Officers agree wording should be changed to read: 'The application <u>may</u> also include' instead of 'should'. <u>Recommendation</u> To amend the wording accordingly	Agreed.
22	5.2	<u>FUNDAMENTAL PRINCIPLES</u> The Police must be aware of the trouble spots, and should be given more power to warn licensees if it continues, they would have the authority to close them down, I'm sure that would make them more responsible.	Outside of the scope of the Act. <u>Recommendation</u> No amendment necessary	Agreed.
65	5.2	<u>FUNDAMENTAL PRINCIPLES</u> Delete “Promotes” – state “is responsible for	The term ‘promotes’ is used within the Act and	Agreed.

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		facilitating"	statutory guidance and cannot be changed. <u>Recommendation</u> The existing wording is retained	
68	5.2	<u>FUNDAMENTAL PRINCIPLES</u> If the Council really recognises the 'need of residents for a safe and healthy environment in which to live and move" and "seeks to protect children" (5.2) then why did the Council send an Officer to defend the granting of 18 liquor licenses in the designated alcohol-free zone of the River Gardens, which is also an area frequented by families and fronted by the Morledge which has a high rate of alcohol-fuelled disorder?	Comments have no significance to the wording of the Policy. <u>Recommendation</u> No amendment necessary	Agreed.
87	5.4	<u>FUNDAMENTAL PRINCIPLES</u> We do not accept the contention that all the applicant's proposals to promote the four licensing objectives must be capable of being attached as a condition to the licence. We feel this could inhibit applicants from volunteering valid strategies for dealing with certain issues.	The wording is based on Government guidance, which officers feel is valid. There is no point in applicants volunteering strategies they are not prepared to be bound to, after the licence has been granted. <u>Recommendation</u> No amendment necessary	Agreed.
58	5.6	<u>FUNDAMENTAL PRINCIPLES</u> When considering applications the Council will focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. <u>What about other businesses operating in the</u>	Businesses are already incorporated within the term "members of the public living, working or... in the area concerned". <u>Recommendation</u> No	Agreed.

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		<u>area...these are referred to in para 5.9 as interested parties but does this terminology mean that their views are of secondary importance to those of the public</u>	amendment necessary	
59	5.7	FUNDAMENTAL PRINCIPLES In recognising that the Act is not the primary mechanism for the control of antisocial behaviour by individuals beyond the direct control of the licence holders, there must be a satisfactory alternative mechanism to cover this (e.g. sufficient and adequate policing). The licensing authority needs to ensure such an alternative mechanism is in place before approving a licence.	The 'alternative mechanisms' referred to is legislation already enforced by the Police. <u>Recommendation</u> No amendment necessary	Agreed.
85	5.7	FUNDAMENTAL PRINCIPLES We believe that licensees must act as good neighbours and seek to minimise any disturbance from their customers. We are concerned that the Police Service is already stretched and would like to know how continual instances of disturbance will be addressed, e.g. what will happen if there are regular instances of individuals or groups of people being disruptive. The police are already stretched to breaking point, how is it anticipated police will be able to respond and deal with any form of nuisance. Surely the licensee must be held accountable for the behaviour of his/her customers.	Police resources are not a licensing issue. The licensing review process is intended to be the mechanism for dealing with concerns about a nuisance or disturbance. <u>Recommendation</u> No amendment necessary	Agreed.
39	5.8	FUNDAMENTAL PRINCIPLES I believe local Magistrates/JPs should be included in the listed authorities, their experience in dealing with Licensing & Law & Order should be utilised alongside the other seven Responsible Authorities	List of Responsible Authorities is defined by legislation and cannot be changed. <u>Recommendation</u> The existing wording is	Agreed.

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			retained	
58	5.8	<p><u>FUNDAMENTAL PRINCIPLES</u> When considering applications the Council will ensure that 'relevant representations' from all 'responsible authorities' are considered fully and fairly.</p> <p>Responsible authorities are:</p> <ul style="list-style-type: none"> • Derbyshire Constabulary • Derbyshire Fire & Rescue Service • <u>Derby Community Safety Partnership</u> • the Council's Health & Safety Team • the Council's Trading Standards Division • the Council's Pollution Control Team • the Council's Social Services Department • the Council's Development & Cultural Services Department 	<p>Officers agree. The Regulations have already included this change to the list.</p> <p><u>Recommendation</u> To amend the paragraph as requested</p>	Agreed.
65	5.8	<p><u>FUNDAMENTAL PRINCIPLES</u> Consultees must respond in detail related to the case in hand, not merely in terms of Policy compliance</p>	<p>The Council cannot dictate the nature of any representation. The Licensing Panel will give full and fair consideration to whatever comments are made.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
68	5.8	<p><u>FUNDAMENTAL PRINCIPLES</u> states that 'relevant applications' from 'responsible authorities' will be considered fully and fairly. Yet Officers from within the Development and Cultural Services are already acting for developers of certain developments – particularly on license applications - and therefore will not be acting in the 'fair' or 'full'</p>	<p>It is the role of the Licensing Panel to determine whether any representation is valid and relevant to liquor licensing</p> <p><u>Recommendation</u> No</p>	Agreed.

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		nature that this Policy espouses. Any representative from that department must be shown to have no connections with the potential licensees. This should be made clear and is supported by 6.1 "The Council will not consider commercial demand". I also question whether the Police authorities will remain 'fair' and impartial, especially if the potential licensee offers them monies for policing	amendment necessary	
87	5.8	<u>FUNDAMENTAL PRINCIPLES</u> It would be useful if the policy were to indicate the terms under which each of the listed bodies became a responsible authority. We appreciate that this is in most cases fairly obvious, however, the inclusion of the Council's 'Development and Cultural Services Department' does we feel illustrate the point.	This is laid down in Regulation as the D & CS represent the Planning Authority. In practice these will be addressed to the Chief Planning Officer. <u>Recommendation</u> No amendment necessary	Agreed to include wording 'Development Division'
65	5.9	<u>FUNDAMENTAL PRINCIPLES</u> Define "Vicinity"	This is not possible. The guidance dictates this must be considered by the Licensing Panel in respect of each case. <u>Recommendation</u> No amendment necessary	Agreed.
68	5.9	<u>FUNDAMENTAL PRINCIPLES</u> Interested parties should also include members of the public who frequent the vicinity of the premises, if not the premises themselves.	It is almost impossible to determine who this would include <u>Recommendation</u> No amendment necessary	Agreed.
55	6	<u>CUMULATIVE IMPACT</u> I fully support the approach taken by the Council in respect of "Cumulative Impact".		Agreed.
58	6.1	<u>CUMULATIVE IMPACT</u> The Council will not consider commercial	Wording taken from the statutory guidance and	Agreed.

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		<p>demand ('need') when considering an application. 'Need' is a matter for the Planning Committee, <u>the Council's other responsibilities & policies such as those that relate to economic development of and investment in the city</u> and the market and not for the licensing authority or the licensing policy.</p> <p><u>Can the Planning Authority or indeed the Council under numerous responsibilities such as city centre management, economic development/tourism and urban regeneration be requested/encouraged to develop a policy statement in advance on how they regard "need" now (or for Nov 2005) otherwise the Licensing authority has no basis on which to work for any new licenses for which applications are submitted ?</u></p>	<p>should be retained.</p> <p>The definition of 'need' is not relevant to this policy.</p> <p><u>Recommendation</u> No amendment necessary</p>	
59	6.1	<p><u>CUMULATIVE IMPACT</u></p> <p>Should this be: "The <i>Licensing Committee</i> will not consider commercial demand ..."? <u>Realising that this clause is taken from the Government Guidance, can I be assured that the Derby City Council Planning Committee are aware of their duty to consider "need" when approving planning applications for licensed premises?</u></p>	<p>With regard to paragraph 1.5 in the Policy, 'the Council' in this context is the licensing authority and therefore does not need changing. Comments concerning the Planning Committee will need to be taken up directly with the Chief Planning Officer.</p> <p><u>Recommendation</u> The existing wording is retained</p>	Agreed.
59	6.10	<u>CUMULATIVE IMPACT</u>	In certain circumstances	Agreed.

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		Where a licensed premises has remained closed for a defined period (say six months) in a saturated area, I would like to see its licence to be subject to review before it reopens and treated in the same way as a new application. In this way, licensed premises may be fairly removed from a saturated area.	this type of situation would require a new Premises Licence and would be subjected to any policies in force at that particular time. <u>Recommendation</u> No amendment necessary	
59	6.11	<u>CUMULATIVE IMPACT</u> This clause is not very clear. Although a prescribed closing time cannot be applied to an area, specific closing times <u>can</u> be applied to particular premises (Clause 7.1 and Appendix 0.3 state that the Council can control licensing hours). This must be relevant to the fringes of a 'saturated area', such as the city centre, and premises adjoining the nearby residential areas.	Licensing hours will be determined on individual merits. A special policy cannot be used to impose terminal hours <u>Recommendation</u> No amendment necessary	Agreed.
65	6.11	<u>CUMULATIVE IMPACT</u> <u>N.B.</u> Co-ordinated terminal hours were <u>requested</u> by Derbyshire Police approximately 8 years ago to allow maximum manpower availability and control.	This is 'zoning' – the statutory guidance prohibits its use. <u>Recommendation</u> No amendment necessary	Agreed.
49	6.12 point 6	<u>SELLING ALCOHOL TO SOMEONE WHO IS DRUNK</u> This is outside the councils policy but when was anyone prosecuted for selling alcohol to someone who is drunk? If this was upheld then binge drinking could not occur!	This is a recognised offence under the new legislation. However, this is one of several options that could be considered as a means of controlling poor behaviour before adopting a special policy. <u>Recommendation</u> No	Agreed.

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			amendment necessary	
58	6.12	<p><u>CUMULATIVE IMPACT</u> The Council regards the adoption of a special saturation policy as exceptional <u>Why say this now..... are you pre-empting any discussions or representations on this basis?</u> The Council also considers that there are other <u>appropriate</u> mechanisms exist to address behaviour that causes a public nuisance or is unlawful, for example:</p> <ul style="list-style-type: none"> • <u>planning controls....need for planning statement now rather than after all new licenses have been granted (cross reference with para 7.5 so that can consider for new planning applications)</u> • positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and the Council • powers of the Council to designate parts of the City area as places where alcohol may not be consumed publicly • Derbyshire Constabulary's enforcement of the general law concerning disorder and anti-social behaviour, including fixed penalty notices; • anti-social behaviour orders • the prosecution of any personal licence holders or member of staff at each premises who is selling alcohol to people who are drunk • <u>the declaration of designated alcohol free areas and the associated confiscation of alcohol from adults and children in such designated areas</u> • Derbyshire Constabulary's powers to close down instantly for 24 hours any licensed/club premises or temporary events on grounds of disorder, the 	<p>Existing wording adequately explains the Council's stance on this point</p> <p><u>Recommendation</u> Existing wording to be retained</p>	Agreed.

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		<p>likelihood of disorder or excessive noise emanating from the premises</p> <ul style="list-style-type: none"> the power of Derbyshire Constabulary, other responsible authority or interested party to seek a review of the licence or certificate in question 		
59	6.12	<p><u>CUMULATIVE IMPACT</u> Bullet point 1. The number of pubs/clubs that are now open in Derby indicates a complete lack of planning controls on quantity. None of these points can be relied upon to address the problem of noisy drinkers banging their way home in all directions from the "thriving night-time economy".</p>	<p>Comments have no significance to the wording of the Policy. Comments regarding planning controls should be addressed to the Chief Planning Officer <u>Recommendation</u> No amendment necessary</p>	Agreed.
65	6.12	<p><u>CUMULATIVE IMPACT</u> Police to random breathalyse pedestrians believed unfit through alcohol: Set limits.</p>	<p>Beyond the scope of the Act. <u>Recommendation</u> No amendment necessary</p>	Agreed.
68	6.12 – 6.13	<p><u>CUMULATIVE IMPACT</u> Question the efficacy of this Policy, especially in view of the Riverside Gardens being a designated alcohol-free zone, yet 12 licenses have been granted for the area.</p>	<p>Comments have no significance to the wording of the Policy. Comments regarding Planning should be addressed to the Chief Planning Officer <u>Recommendation</u> No amendment necessary</p>	Agreed.

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59	6.14	<p><u>CUMULATIVE IMPACT</u></p> <p>The new Council policy on applications for sex shops and lap-dancing clubs sets limits on the total number of such establishments. Surely it would be sensible to limit the number of licensed premises. Consideration of the differences in contrasting styles and characteristics would be worthwhile if such character and style was in any way protected. Where they can, licensees are dumbing down Derby's pubs into young persons' drinking halls. Previous pubs and buildings of character now resound under such names as "Scream", Coyote Wild"and "The Bedroom". If the Licensing Committee is seriously to consider styles and characteristics, some guidance should be provided. At the least, there should be some undertaking and checking to ensure that styles and characteristics that form part of a licensing approval are retained.</p>	<p>The legislation and statutory guidance does not permit the Council to set limits on the numbers of establishments or their styles and characteristics.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
68	6.14	<p><u>CUMULATIVE IMPACT</u></p> <p>reads as protection for large scale developments and takes no account of the disorder they will cause.</p>	<p>Each application must be considered on its own merits. Quotas imposed by the Council are specifically prohibited under the statutory guidance.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
59	6.2	<p><u>CUMULATIVE IMPACT</u></p> <p>Perhaps it would be helpful to add after the first paragraph: "The policy addresses this by defining areas affected by 'cumulative impact' as 'saturated areas' If. The second paragraph should be a</p>	<p>Agree with suggested amendments and reword paragraph 6.2</p> <p><u>Recommendation</u> Amend</p>	Agreed.

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		separate clause and should include "... due to 'cumulative effect' ..." after "club premises certificate". The Licensing Authority should consult local residents if an area may be nearing the point where there would be cumulative impact	the paragraph as suggested	
49	6.3	<u>SATURATED AREAS</u> especially pubs/clubs. These constitute a threat to the enjoyment of the area by those who wish to visit for more sober pursuits. Actual disorder under the law may not occur but many people feel threatened and uncomfortable amongst crowds of inebriated youngsters.	Comments have no significance to the wording of the Policy <u>Recommendation</u> No Amendment necessary	Agreed.
65	6.3	<u>CUMULATIVE IMPACT</u> Define "Saturated area" with local examples.	Saturated areas are defined. Local examples cannot be given as there are no saturated areas identified yet. <u>Recommendation</u> No amendment necessary	Agreed.
68	6.3	<u>CUMULATIVE IMPACT</u> A numerable definition of saturation is needed. For example, 10 licenses per 50,000 sqm floorspace. In A.2 the Secretary of State recommends the use of radio/text-pagers in areas of 'high density' licenses – a numerable definition would help the SoS to further define 'areas of density' ie the difference between 'high density' and 'saturation'	A numerable definition cannot be set as any special policy will be dependent on locality and individual problems. <u>Recommendation</u> No amendment necessary	Agreed.
58	6.4	<u>CUMULATIVE IMPACT</u> Before being able to consider whether individual new applications relating to a potential saturated area should not be granted on grounds that they will have an adverse effect on the licensing objectives, the Council must adopt a special policy.	Comments have no significance to the wording of the Policy <u>Recommendation</u> No amendment necessary	Agreed.

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		<u>Can we start work on this now....what are the relevant views on saturation in parts or all of the city centre now, including all the planning permissions currently in existence and awaiting implementation?</u>		
59	6.4	<p><u>CUMULATIVE IMPACT</u></p> <p>It is not clear what a special policy actually is, at what stage it is adopted, or how it is to be published. Clauses 6.4, 6.5 & 6.6 require some clarification. They do not convey the full sense of the Government's 'Draft Guidance under Section 182 of the Licensing Act 2003' Clause 3.16, which refers to the adoption of "a special policy of refusing new licenses whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities and interested parties which it concludes after hearing those representations should lead to refusal."</p> <p>This simply states that, where a special policy has been agreed, applications for a licence will normally be refused where representations have been made.</p>	<p>In theory the officers agree with comment. It is suggested to reword paragraph 6.2 to read:</p> <p>6.2 The Council does recognise that the 'cumulative impact' of the number, type and density of licensed/club premises may undermine the licensing objectives. However, the Council may not impose conditions on or refuse to grant or vary a premises licence or club premises certificate unless it has received relevant representation from a responsible authority or an interested party. Where considered appropriate the Council may adopt a special saturation policy.</p> <p>And 6.8 to read:-</p> <p>6.8 A special policy would not prevent the Council considering future</p>	Agreed.

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			<p>applications as each application is considered on its own merits. However, where a special policy has been agreed, applications for a licence will normally be refused where relevant representations have been made. The applicant will need to demonstrate how the premises would not add to the cumulative impact on the area concerned.</p> <p><u>Recommendation</u> To amend the paragraphs with suitable wording</p>	
82	6.4	<p><u>CUMULATIVE IMPACT</u> As cumulative impact appears to be a major issue with the public, the council proposes "Special Policies" yet this is elaborated upon. The paths to a special policy are outlined, but what a policy could consist of, how it could be implemented, matters of consultation and monitoring are not dealt with. This effectively avoids a central issue and weakens the whole draft policy.</p>	<p>In principle, officers agree with this comment. However, there is no further guidance on this issue and it is envisaged a more thorough procedural note will be developed, as, and when, saturated areas are identified.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
59	6.5	<p><u>CUMULATIVE IMPACT</u> This states that a private individual would need to provide evidence to have his neighbourhood declared as saturated. It is difficult or even</p>	Statutory guidance requires responsible authorities or interested parties to provide suitable	Agreed.

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		impossible for a person who has his sleep disturbed regularly by late night city centre revellers to provide "evidence" of where they have been drinking. Surely it is obvious that residential areas in the vicinity of the city centre are already "saturated". It is not clear why this clause is needed at all when, under Clause 6.6, one may simply (and much more easily) raise one's serious concern about crime and disorder or nuisance for the Council to follow the remaining steps to adopting the special policy. This would seem to be enough.	evidence when making relevant representations of this nature. <u>Recommendation</u> No amendment necessary	
59	6.7	<u>CUMULATIVE IMPACT</u> "regularly" is rather vague.	Wording is taken from the statutory guidance, however, time periods for review will be included in procedural notes to be developed. <u>Recommendation</u> No amendment necessary	Agreed.
55	7	<u>LICENSING HOURS</u> It is good to see the proposed treatment of licensing hours reflects the principles of the Act and the Guidance. With respect to paragraph 7.3 this should reflect the fact that conditions can only be imposed by the Council in line with the applicants operating plan or where a representation/objection has been upheld.	Imposing conditions following relevant representations is stated in paragraph 5.14. <u>Recommendation</u> No amendment necessary	Agreed.
4	7.1	<u>LICENSING HOURS</u> The Act does not allow the Council to determine licensing hours of each application, The Council may impose conditions <u>only</u> if it has received representations from a responsible body or local residents, which are deemed reasonable	Officers agree with this comment and it is covered in paragraph 5.14. <u>Recommendation</u> No amendment necessary	Agreed.

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58	7.1	<p><u>LICENSING HOURS</u></p> <p>The Council will determine licensing hours on the individual merits of each application. The Council recognises that longer licensing hours for the sale of alcohol can avoid large numbers of people leaving premises at the same time. (?? only if hours are staggered.... what if all major venues want the same closing time?) This in turn reduces the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Council wants to ensure licensing hours do not inhibit the development of thriving and safe evening and night-time economies, which are important for investment, employment, domestic and international tourism. Providing consumers with greater choice and flexibility is an important consideration.</p>	<p>The Council cannot impose closing times. This could be dealt with by relevant representations or a special saturation policy</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
59	7.1	<p><u>LICENSING HOURS</u></p> <p>It is said that dictated terminal hours have been abolished by the Act. This being so, how can the Council determine licensing hours? I hope that the Council <u>can</u> do this as, living next to a pub, I am not looking forward to their customers being put out in the early hours and the pub door then banging closed. Does the Government seriously think that pubs will stay open until only one or two remaining customers drift out quietly in the early hours? Since zoning is forbidden, what is going to be the Council's city-wide policy on closing time? Does the Council's small city policy have to fall in line with the Government's experience in Edinburgh in the early 1990's?</p>	<p>Specific query is not related to the wording of Policy.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
61	7.1	<p><u>LICENSING HOURS</u></p>	Specific query is not	Agreed.

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		This is a sensible idea, but a lot could go on to later closing venues. These 'possibly' being the most drunk and liable to cause problems.	related to the wording of Policy <u>Recommendation</u> No amendment necessary	
68	7.1	<u>LICENSING HOURS</u> The Council recognises that taxi ranks and other transport are sources of late-night disorder, so why not subsidise more late-night public transport especially as the Council wants to 'provide the customer with more choice and flexibility'	Specific query is not related to the wording of the Policy <u>Recommendation</u> No amendment necessary	Agreed.
59	7.3	<u>LICENSING HOURS</u> Does this mean stricter controls on closing times <u>can be</u> applied in residential areas? This will control noise outside and in the vicinity and minimise night-time disturbance to the neighbourhood.	Yes it does. Paragraph 7.3 already says this <u>Recommendation</u> No amendment necessary	Agreed.
68	7.3	<u>LICENSING HOURS</u> Stricter conditions should include mention of the proximity of residential uses, for example, people living over nightclubs, casinos, bars etc who need extra protection	This should be dealt with by other primary legislation. <u>Recommendation</u> No amendment necessary	Agreed.
85	7.3	<u>LICENSING HOURS</u> We support the view that stricter controls should be imposed by the council in residential areas. As a general rule we believe that licensing hours should not be permitted beyond 11 pm at any time other than on special occasions.	Statutory guidance does not allow the Council to impose this specific restriction. <u>Recommendation</u> No amendment necessary	Agreed.
55	8	<u>LICENSING OBJECTIVES</u> In general the approach to this part of the policy is satisfactory. It would be helpful if it makes clear that conditions will only be attached that are consistent with the operating schedule or if imposed	Capacity limits are not set for all premises, only those where there is an identified risk of public safety being prejudiced.	Agreed.

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		<p>after a hearing upholds a representation, they are proportionate to the style and size of the business. The policy should make clear that the conditions listed in the appendices are not used indiscriminately as standard conditions in order to ensure that applications are treated in a way that is transparent, proportionate and fair.</p> <p>With reference to section 8.8, it should not be a requirement of the policy that all licensed premises have an occupancy figure. The acknowledged need for capacity limits is, and should continue to be directed at those premises and events where there is an identified risk of public safety being prejudiced.</p> <p>In some places this section and the related appendices duplicate the requirements of existing legislation that promotes Public Safety. For example 8.10 and 8.13. The Guidance is very clear that the statement of licensing policy should not duplicate the existing framework of statutory powers available to enforcement authorities and I believe that slight amendments to Section 8 and Appendices A-E would achieve this.</p> <p>In some sections of the policy, particularly in 8.13 the Authority is overly prescriptive in specifying the licensing objectives. For the authority to insist on specific measures means that a blanket condition is being imposed which is contrary to the Act.</p>	<p>ie. the premises identified in para. 8.8 of the Policy. Agree changes to paragraphs 8.10 and 8.13 and suggest they are reworded to:-</p> <p>8.10 The applicant should consider the use of appropriate fire safety precautions to protect public safety. This may include fire fighting equipment, emergency lighting and an appropriate means of raising the alarm in the event of a fire.</p> <p>8.13 The applicant will only be expected to prevent public nuisance that is under their direct control. In order to achieve this, the applicant could consider measures that:</p> <ul style="list-style-type: none"> • prevent noise and vibration escaping from the premises, such measures may include soundproofing, air conditioning, acoustic lobbies and sound limitation devices. 	

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			<ul style="list-style-type: none"> • prevent disturbance by customers arriving at, queuing and leaving the premises, which is usually greater significance later in the evening or early morning • control nuisance associated with public disturbance • control the generation of odour, for example from the preparation of food • prevent potential litter problems in the vicinity of and caused by their activities, including, distribution of flyers, fly posting, food packaging left by customers from late night refreshment premises. <p><u>Recommend</u> To amend paragraphs 8.10 and 8.13 with suitable wording</p>	
65	8.10	<u>LICENSING OBJECTIVES</u> And demonstrate current competences in all relevant staff.	This issue would be covered under primary legislation <u>Recommendation</u> No amendment necessary	Agreed.
83	8.1	<u>LICENSING OBJECTIVES</u>	Agree. Suggest	Agreed.

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		Should read – The Council will expect the applicant to “provide information and details on “how they propose to promote the four licensing objectives etc	paragraph 8.1 is reworded to read ‘The Council will expect the applicant to provide information and details on how they propose to promote the four licensing objectives when preparing their operating schedules’. <u>Recommendation</u> To amend the paragraph as requested	
56	8.12	<u>LICENSING OBJECTIVES</u> I am pleased that the Good Clubbing Guide is part of the requirements for continuance of licences, can we beef up its provision?	Following relevant representations the Council may impose conditions that specifically address safer clubbing issues. Each application will be judged on its own merits. <u>Recommendation</u> No amendment necessary	Agreed.
58	8.12	<u>LICENSING OBJECTIVES</u> In relevant premises licence holders will be expected to incorporate the principles of Safer Clubbing into their operating schedules. <u>Specifically in relation to drug policies, key areas are.....</u> <u>Further details and guidance</u> The guide can be viewed in full on www.drugs.gov.uk . <u>should this section also come under crime and disorder rather than safety?</u>	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendment necessary	Agreed.

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		<u>can this principle of using websites to signpost to other sources of information both local and national be applied elsewhere for example in the various appendices</u>		
34	8.13	<u>PREVENTION OF PUBLIC NUISANCE</u> How will premises be 'prevented' from causing nuisance, enforcement is a major issue. We do not want to live in a police state but people must be made to take responsibility for their actions	Comments have no significance on the wording of the Policy <u>Recommendation</u> No amendment necessary	Agreed.
56	8.13	<u>LICENSING OBJECTIVES</u> Surely we must also say that the applicant will be expected to prevent public nuisance that is under their direct control or has arisen by their action or lack of action in the discharge of their duty.	All applicants action or lack of action is under their direct control and is therefore implied. <u>Recommendation</u> No amendment necessary	Agreed.
65	8.13	<u>LICENSING OBJECTIVES</u> Compare "Disturbance" –v– "Nuisance"	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendment necessary	Agreed.
83	8.13	<u>LICENSING OBJECTIVES</u> Add – deal with Health & Safety of staff and customers in activities of the business!	Health and safety issues are covered by other primary legislation. <u>Recommendation</u> No amendment necessary	Agreed.
59	8.14	<u>LICENSING OBJECTIVES</u> See comments on 5.7	Other primary legislation should be applied. <u>Recommendation</u> No amendment necessary	Agreed.
59	8.15	<u>LICENSING OBJECTIVES</u> The provision of some special form of entertainment	Applications will be considered on their	Agreed.

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		<p>(e.g. soul music) is often used by an applicant as a reason to apply for extended hours and this clause on the "provision of cultural benefit" appears to support such applications. However, there is no provision in the policy for ensuring such particular agreed entertainment is actually provided or continued. My experience is that licensed premises can change hands quite frequently. The new owner automatically takes over the previously authorised extended hours but changes the form of entertainment. There is no check on this practice. In any case, it would be difficult to make it a condition of the extended hours licence. This points to the fallacy of linking extended hours to the provision of such entertainment.</p> <p>Worse, the new owner usually applies for even more extended hours and residents face the same battle to persuade the licensing authority not to agree these. I recommend that the provision of specialised entertainment should never be grounds for extended hours. It should not be necessary to open premises in the early hours of the morning just to provide entertainment of cultural benefit. So it should not be necessary to balance cultural benefit against any amount of disturbance in neighbourhoods, where this disturbance would affect residents' right to a decent quality of sleep. The noise produced by the entertainment itself should be dealt with by existing noise legislation, as for non-culturally beneficial noise!</p>	<p>individual circumstances. Applicants will need to justify reasons for holding events and demonstrate how they will achieve the four licensing objectives.</p> <p>Any extended noise nuisance could be dealt with by other primary legislation.</p> <p><u>Recommendation</u> No amendment necessary</p>	
65	8.15	<p><u>LICENSING OBJECTIVES</u></p> <p>Protection for all "Community" without prejudice.</p>	Comments have no significance on the	Agreed.

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			wording of the Policy. <u>Recommendation</u> No amendments necessary	
85	8.15	<u>LICENSING OBJECTIVES</u> Whilst we support the Council's cultural strategy we do not feel that the diminution of the local environment should be a trade off against increasing disturbance in the neighbourhood.	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendments necessary	Agreed.
65	8.17	<u>LICENSING OBJECTIVES</u> Council <u>SHOULD</u> define conditions for child access: Such convicts should not be employed in this capacity, Council must gain control over these problems N.B. No under 16 year old i.e. juvenile should normally be active in licensed premises after 10pm. This should accommodate families staying bed & breakfast.	Statutory guidance does not allow the Council to impose specific conditions unless relevant representations are received. <u>Recommendation</u> The existing wording is retained	Agreed.
83	8.20	<u>LICENSING OBJECTIVES</u> Should read – Where the Council imposes no restriction <u>for</u> access by children etc	Officers do not agree, the existing wording is acceptable. <u>Recommendation</u> The existing wording is retained	Agreed.
83	8.22	<u>LICENSING OBJECTIVES</u> Should read - The Council recognises the protection <u>prioritized and given</u> to children under the Protection of Children Act 1999. This legislation puts obligations on childcare organisations. Other organisations are able to make use of the scheme set up to support the Protection of Children Act 1999, and this includes use of the Criminal Records Bureau. The holders of the premises licence, club	Officers agree the changes proposed. <u>Recommendation</u> To amend the paragraph as requested	Agreed.

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		premises certificate and premises users <u>have a duty/responsibility and</u> must take appropriate steps, including, where necessary the use of these services to ensure protection of children from harm.		
87	8.5	<u>LICENSING OBJECTIVES</u> In our view it is very important that the policy should make clear, not only that the lists of conditions contained in Appendices A – E are not exhaustive, but also that they are not obligatory. Although mentioned elsewhere within the policy we think this section should reinforce that applicants need only propose measures that are relevant to the nature and style of the activities which take place at those premises. You may also wish to include the fact that the BII is able to offer advice and guidance on the compilation of a professional operating schedule which meets the needs of responsible authorities.	The wording of the Policy adequately demonstrates this. The Council cannot specifically mention the BII, as there are other commercial businesses that may offer this service. <u>Recommendation</u> The existing wording is retained	Agreed.
58	8.6	<u>LICENSING OBJECTIVES</u> Appendix A provides areas that should be considered by the applicant. <u>This is left a bit up in the air!</u> <u>Can a statement of intent or what is regarded as good practice be included here rather than just leaving it as a heading. All 3 other objectives have supporting text in the main body of the LPS. Can the Licensing Authority also encourage applicants to discuss with, or seek the advice and guidance of, the Police in drawing up their schedules?</u>	Agree with the comments. Officers suggest paragraph 8.6 is reworded to: ‘Licensees should provide information in their operating schedules that promotes prevention of crime and disorder. Appendix A provides areas that should be considered by the applicant. The Council encourages applicants to seek advice and guidance from Derbyshire	Agreed.

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			Constabulary on crime and disorder issues'. <u>Recommendation</u> To amend paragraph 8.6 with suitable wording	
68	8.7	<u>LICENSING OBJECTIVES</u> An inclusion needs to be made in this chapter on public safety, that the potential licensee also provides details of emergency evacuation procedures if the premises are in the floodplain of the River Derwent – in view of recent comments by the Environment Agency regarding evacuation procedures in times of flooding.	These issues are dealt with by other primary legislation. <u>Recommendation</u> No amendment necessary	Agreed.
65	8.8	<u>LICENSING OBJECTIVES</u> Include Temporary Events	Temporary event notices are limited to 499 people. However, the Council may be able to impose an occupancy level under 'other premises where regulated entertainment is being provided'. <u>Recommendation</u> No amendment necessary	Agreed.
87	8.8	<u>LICENSING OBJECTIVES</u> In our view it is very important that the policy should make clear, not only that the lists of conditions contained in Appendices A – E are not exhaustive, but also that they are not obligatory. Although mentioned elsewhere within the policy we think this section should reinforce that applicants need only propose measures that are relevant to the nature and style of the activities which take place at those premises. You may also wish to include the fact	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendment necessary	Agreed.

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		<p>that the BII is able to offer advice and guidance on the compilation of a professional operating schedule which meets the needs of responsible authorities. Implicit in the imposition of a capacity limit is the requirement that there should be some method of counting or controlling the numbers of persons entering and leaving the premises so as to ensure that the limit is not exceeded. It is this factor which can lead to increased costs and possible sanctions should the limits be exceeded. The issue of a capacity limit should be decided on a premises by premises basis and should only be applied where there is a clear and justifiable need to do so based upon the nature and style of the premises and the licensing objectives.</p> <p>Although the policy purports to restrict this requirement to certain types of premises, including those where entertainment is provided, we would submit that the need to consider the matter within the circumstances of each individual application still applies. Particularly in the light of the Government's desire to promote live music and similar entertainment, which the Council acknowledges (Paragraph 13.3), we are sure that you will be conscious of the need not to impose unnecessary burdens upon those premises that seek to do so. Furthermore, you may wish to consider what is meant by the term 'nightclub', although in common usage at the moment this is largely because of the way in which present licensing laws are structured. We think that the introduction of greater clarity into this aspect of the policy would be beneficial.</p>		

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58	9.1	<p><u>INTEGRATING STRATEGY</u></p> <p>The Council will ensure its licensing function promotes the licensing objectives through its decision making process, and by appropriate use of its powers and its responsibilities through liaison and partnership work. The Council will secure proper integration of the licensing policy with:</p> <p><u>HOW?</u></p> <ul style="list-style-type: none"> • Derbyshire Community Safety Strategy • City of Derby Local Plan • Derby Crime & Disorder Strategies • Derby Cultural & Tourism Strategies • Derby Area Child Protection Committee Procedures • Derby Cityscape • Derby Neighbourhood Renewal Strategy • Derbyshire Local Transport Plan • Derby's Public Health Strategy 	<p>Comments have no significance on the wording of the Policy.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
59	9.3	<p><u>INTEGRATING STRATEGY</u></p> <p>This clause requires the Licensing Committee to reflect on reports on the needs of the local tourist economy and cultural strategy for the City. It is to be hoped that this reflection will consider the negative effects on tourism by too many licensed premises of the kind that are designed to attract the 18-25 age group, e.g. are designed for vertical drinking and/or play excessively loud music. Also, I suspect that this clause conflicts with Clause 6.1 which states that the Council will not consider commercial demand ("need") when considering an application.</p>	<p>Comments have no significance on the wording of the Policy.</p> <p>It will be up to the Licensing Panel as to whether to grant a licence if a relevant representation is received that concerns one of the four licensing objectives.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
68	9.3	<u>INTEGRATING STRATEGY</u> If 'commercial demand' is not going to be considered, (6.1) then 'investment' reports' are not needed	Statutory guidance requires this to be incorporated into the Licensing Policy. <u>Recommendation</u> No amendment necessary	Agreed.
83	9.3	<u>INTEGRATING STRATEGY</u> Take into account Disorder/Crime/Drugs/Alcohol Strategies, Trends of changes/strategies – statistics locally.	This is covered by paragraph 9.1. <u>Recommendation</u> No amendment necessary	Agreed.
87	9.4	<u>INTEGRATING STRATEGY</u> Although there is clearly a need for an applicant to obtain planning permission where this is required, we do not believe there is any basis under the Act for requiring that this is obtained prior to the determination of the licensing application.	Officers agree with comment, suggest to reword to say: 'The Council will normally expect each applicant ...' <u>Recommendation</u> To amend paragraph 9.4 with suitable wording	Agreed.
58	9.5	<u>INTEGRATING STRATEGY</u> To enable the Planning Committee to have regard to such matters when making decisions and avoid unnecessary overlap, the Licensing Committee will provide reports to the Planning Committee on the situation regarding licensed/club premises in the area. This may include information concerning the general impact of alcohol related crime and disorder. <u>It is envisaged that reciprocal arrangements will be developed to enable the Licensing Committee to remain well informed on planning developments and planning matters that</u>	Comments have no significance on the wording on the Policy. <u>Recommendation</u> No amendments necessary	Agreed.

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		relate to Licensing Policy. <u>NB This implies a more formal information exchange and briefing mechanism between the two committees and also between the two sets of officers. How can this be achieved?</u>		
68	9.5	<u>INTEGRATING STRATEGY</u> The Planning Control Committee often grants planning permissions prior to licensing applications being applied for. This then puts pressure on the licensing authorities to grant the licenses for those premises. If both applications were dealt with at the same time, - NB this is also being proposed for incinerators - there would be no overlap and fuller reports would then be available in order to make informed decisions.	Comments have no significance on the wording on the Policy. <u>Recommendation</u> No amendments necessary	Agreed.
65	9.6	<u>INTEGRATING STRATEGY</u> Explain "Swift dispersal"	Words have same definition as in the dictionary. <u>Recommendation</u> No amendments necessary	Agreed.
65	10	<u>PROMOTION OF EQUALITY</u> Superfluous – This is a national legal constant.	Statutory guidance requires the Council to have reference to this legislation. <u>Recommendation</u> No amendments necessary	Agreed.
83	10.1	<u>PROMOTION OF EQUALITY</u> The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on the Council to have due regard <u>for</u> the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.	Officers agree – suggest reword paragraph 10.1 to include 'for' instead of 'to'. <u>Recommendation</u> To amend paragraph as requested	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
83	10.3	<u>PROMOTION OF EQUALITY</u> Do the applicants relate and understand the Licensing Policy. Will they follow up the Race Equality Scheme as endorsed by the Council	This paragraph relates to the Council when making licensing decisions. It does not relate to the applicant. <u>Recommendation</u> No amendments necessary	Agreed.
49	10.4	<u>EQUALITY</u> How will the council uphold the equal opportunity for the elderly, women, less able people and non-drinking teenagers to use the city centre without feeling threatened?	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendments necessary	Agreed.
83	10.4	<u>PROMOTION OF EQUALITY</u> Do the applicants relate and understand the Licensing Policy. Will they follow up the Council's Equalities Plan as endorsed by the Council	This paragraph relates to the Council when making licensing decisions. It does not relate to the applicant. <u>Recommendation</u> No amendments necessary	Agreed.
58	12.1	<u>CONDITIONS</u> The Council will adopt the pool of conditions as suggested by the Secretary of State in the guidance, from which necessary and proportionate conditions will may be drawn in particular circumstances. <u>I don't see this guidance as a pool of conditions more a discussion of the issues but generally one in which the Council rarely expresses a view. The Council's LPS needs to be more specific on what it supports, encourages, will adopt, will consider etc etc . As it stands neither the applicants, responsible authorities or interested parties can interpret the Council's position on most of such issues. See full comments in the</u>	Officers agree to remove the word 'will'. It is not for the Council to express a view. This will be for the Responsible Authorities or Interested Parties to express a view as and when necessary. <u>Recommendation</u> No amendment necessary apart from removing grammatical error	Agreed to remove the second 'will' in the paragraph.

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		<u>Appendices</u>		
87	12.1	<p><u>CONDITIONS</u></p> <p>There is an error in this paragraph because of the inclusion of both the words 'will' and 'may'. We acknowledge that the Authority 'may' impose relevant conditions where its discretion is engaged following the receipt of relevant representations, however, we would be concerned at any inference that such conditions 'will' be imposed. We do not believe that this starting point is correct or indeed helpful. The majority of premises that are currently licensed within England and Wales operate with no conditions attached to their licences. In fact, largely, the only premises which do have such conditions attached are those which are licensed by local authorities, i.e. theatres, cinemas and those operating under a public entertainment licence. There may be good reasons for these latter premises to have conditions attached to their licences, particularly with regard to public safety; however that is not indicative of the fact that all other premises must be dealt with in the same way.</p>	<p>Officers agree to remove the word 'will'. See above.</p> <p>Each application will be considered on its own merits.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
68	6.4 – 6.11	<p><u>CUMULATIVE IMPACT</u></p> <p>Will the public get a chance to comment on these 'special policies' before they are implemented?</p>	<p>Comments have no significance on wording of Policy.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
64	13	<p><u>LIVE MUSIC, DANCING AND THEATRE</u></p> <p>'Street Entertainment' should be included in Policy, also Circus, Horse Shows, Gymkhana and Dog Shows.</p> <p>Does Policy include Licensing of Public Land for entertainment purposes to allow non-building based</p>	<p>If those particular activities have regulated entertainment as defined by the Act, they will require a licence.</p> <p><u>Recommendation</u> The</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		performances to take place.	existing wording is retained.	
65	13	<u>LIVE MUSIC, DANCING AND THEATRE</u> Event licences granted should be displayed outside Council House, prominent at site, central library, local press.	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendments necessary	Agreed.
59	13.2	<u>LIVE MUSIC, DANCING AND THEATRE</u> This clause largely repeats Clause 8.15. My comments on this clause apply equally here.	Dealt with by Para 8.15 <u>Recommendation</u> No amendments necessary	Agreed.
83	13.3	<u>LIVE MUSIC, DANCING AND THEATRE</u> This is not phrased well at all. It is confusing, what does this really mean? Should it read For the promotion of the Licensing Objectives and to avoid imposing indirect costs of a disproportionate nature the Council will consider the conditions to the licenses and certificates carefully/appropriately and fairly.	Officers agree in principle to rewording this paragraph as it could confuse. Suggest it is reworded to say 'For the promotion of the licensing objectives and to avoid imposing indirect costs of a disproportionate nature the Council will consider any conditions imposed on licences carefully, appropriately and fairly.' <u>Recommendation</u> To amend para. 13.3 with slightly amended wording	Agreed.
65	14	<u>ENFORCEMENT</u> Premises with probability of such problems should be denied licence.	Statutory guidance does not allow the Council to do this <u>Recommendation</u> No amendment necessary	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
58	14.3	<p><u>ENFORCEMENT</u></p> <p>In determining the most appropriate course of action the Council will be mindful of the primary legislation and the regulatory power of other enforcement bodies. The Council will also have consideration partnership working with other relevant bodies, and any enforcement protocols developed with these bodies, in particular Derbyshire Constabulary.</p> <p><u>Is this enforcement protocol with the Police now being discussed? Can it be in place for 2005?</u></p> <p><u>I would like to propose a regular multi-agency/service meeting formally share & exchange information and intelligence on problem premises to identify the common ones and then discuss the appropriateness of either single agency action or joint agency action whether it be inspection or enforcement. I realise it might not be possible/appropriate to include this in the LPS but such partnership approaches are being taken in other community safety areas such as ASB in general and also dealing with prolific offenders</u></p>	<p>Comments have no significance on the wording of the Policy</p> <p><u>Recommendation</u> The existing wording is retained</p>	Agreed.
60	7.1 – 7.5	<p><u>LICENSING HOURS</u></p> <p>From a tourism point of view it would be beneficial to extend the licensing hours in the evening, especially on Thursdays, Fridays & Saturdays. Overseas visitors who are used to a more lenient culture find it particularly disappointing when everything closes early.</p>	<p>Comments have no significance on the wording of the Policy.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
65	15.2	<p><u>REVIEW</u></p> <p>Produce guidance for public on interpretations.</p>	Beyond the scope of the Policy. However, may consider producing guidance notes at a later	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
			date. <u>Recommendation</u> No amendment necessary	
2	15.3	<u>REVIEW</u> Consideration Should be given to keeping premises closed for longer than 24 hours on the grounds of disorder or nuisance, minimum of 48 hours up to maximum of 7 days	Legislation does not allow this <u>Recommendation</u> No amendment necessary	Agreed.
65	16.2	<u>ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS</u> "Speed/efficiency" pursuance should not exclude any interested party.	Comments have no significance on the wording of the Policy. Advertisements, public notices and timescales for receiving relevant representations are in legislation. <u>Recommendation</u> No amendments necessary	Agreed.
58	16.3	<u>ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS</u> The Council's Licensing Committee will receive regular reports on decisions made by officers, so that they can maintain an overview of the licensing situation. <u>The Licensing Committee will lead on the formal reviews of the LPS and may also call for, or receive, briefing reports from "responsible " bodies on relevant & current situations relating to its responsibilities. (such as the prevention of crime and disorder.)</u> <u>NB or words to such effect. I have in mind the likely/hoped for partnership work on reducing alcohol related assaults in the city centre and</u>	Beyond the scope of the Policy <u>Recommendation</u> No amendments necessary	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<u>making sure that Licensing Committee are kept informed of issues/achievements/outcomes etc</u>		
60	13.1 – 13.3	<u>LIVE MUSIC, DANCING AND THEATRE</u> Extending and promoting cultural diversity is another vital part of the tourism product so any assistance in this area would be beneficial.	Comments have no significance on the wording of the Policy. <u>Recommendation</u> No amendment necessary	Agreed.

LICENSING POLICY COMMENTS (APPENDICES)

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
59	Table 1	<p><u>DELEGATION OF FUNCTIONS</u> Where a relevant representation is made, it does not seem sufficient for an application for premises licence/club premises certificate or to vary same to be dealt with by the Licensing Panel. This should be given a proper hearing and should be dealt with by the Licensing Committee. Even where no relevant representation is made, it does not seem sufficient for an application for premises licence/club premises certificate or to vary same to be dealt with just by an Officer. This is not a simple administrative matter and should be dealt with by the Licensing Panel. Otherwise, what is the function of the Licensing Committee - the column is blank? The process by which the Licensing Committee, Panel or the Officer arrives at their decisions should be recorded.</p>	<p>This is set in statutory guidance. However Table should be amended to:-</p> <p>Extra row at top. 'Determination of Policies & Strategies - All cases!</p> <p><u>Recommendation</u> Provide additional information detailing function of Licensing Committee.</p>	Agreed.
65	Table 1	<p><u>DELEGATION OF FUNCTIONS</u> Does not explain role/engagement of/by Licensing Committee.</p>	As above.	Agreed.
87	Table 1	<p><u>DELEGATION OF FUNCTIONS</u> We are somewhat confused with regard to the proposed scheme of delegation (which we appreciate is in accordance with the Secretary of State's Guidance). The first matter is 'Application for a personal licence', and the policy states that where there is a police objection the matter will be dealt with by a sub-committee. You will be aware that the police have no rights to object unless the applicant has an unspent relevant conviction, a</p>	The delegation of functions is taken from the statutory guidance. This does allow the Police to make representations against a Personal Licence. Officers agree that Table 1 should read 'Licensing Panel - 3 members from Licensing	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<p>circumstance which is dealt with as the second matter in the table. It seems to us that one of these matters may be superfluous.</p> <p>We would also point out that the Act requires that licensing sub committees or panels should be comprised of three members, rather than "at least three members".</p>	<p>Committee'.</p> <p><u>Recommendation</u> Amend wording accordingly.</p>	
34	Appendix A	<p><u>CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER</u></p> <p>Specific conditions requiring landlords etc not to serve people who are inebriated.</p>	<p>This is a specific offence under the Act.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
34	Appendix A	<p><u>CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER</u></p> <p>Responsibility for "Date Rape" drugs in drinks to be placed on landlords.</p>	<p>The statutory guidance does not allow the Council to make this a specific condition.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
58	Appendix A	<p><u>CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER</u></p> <p><u>My overriding comment on the following appendix is that although it refers in para 12.1 to conditions that the Council will adopt, the way this appendix is worded in most cases does not give any indication of the views of the Council and the likely conditions that it will impose or consider imposing nor does it reflect the local situation. It provides little or no guidance therefore either to the applicants or other responsible or interested partners. The few areas where strong support is recommended or quoted</u></p>	<p>The Council has adopted the pool of conditions from the statutory guidance. This provides information for applicants, Responsible Authorities and Interested Parties about aspects that may be considered in operating schedules.</p> <p><u>Recommendation</u> No</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<u>clearly stand out and I feel that the section and whole LPS would be enhanced as guidance on local policy if this approach was used consistently throughout the conditions. In most cases it is a matter of terminology..."the Council will" or the "Council will consider" or the "Council supports"</u>	amendments necessary	
58	Appendix A	<u>GENERAL</u> When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the licensing authority ies is are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options will should be considered as measures which, if necessary, would promote the prevention of crime and disorder.	Officers agree with the suggested change to the wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
65	Appendix A	<u>CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER</u> No under 16 year old i.e. juvenile should normally be active in licensed premises after 10pm. This should accommodate families staying bed & breakfast.	Protection of children from harm has its own appendix. <u>Recommendation</u> No amendment necessary	Agreed.
65	Appendix A 1	<u>GENERAL</u> Para 2, Line 2 Delete "Depend on" insert "Relate to"	Suggested wording changes the meaning of the sentence. <u>Recommendation</u> Existing wording is retained.	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
	Appendix A 2	<p>TEXT/RADIO PAGERS COMMUNICATION NETWORKS</p> <p>Text and radio pagers <u>Radio and phone based networks</u> connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police and <u>cctv control rooms</u> can provide for rapid response by the police <u>and others</u> to situations of disorder which may be endangering the customers and staff on the premises.</p> <p>Such systems <u>pagers</u> provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area.</p> <p><u>Such Pager</u> systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.</p> <p>The Secretary of State recommends that <u>membership of and use of such communication networks</u> text or radio pagers should <u>can</u> be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises <u>The City Council supports this recommendation and will consider using such conditions in appropriate circumstances</u></p>	<p>Officers agree to changes to 'update' this communication medium, omitting the last sentence.</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<p>Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.</p> <p>A condition requiring the <u>communication text/radio pager</u> links to the police and <u>cctv control rooms</u> could include the following elements:</p> <ul style="list-style-type: none"> • a requirement that the text/pager equipment is kept in working order at all times • a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public • a requirement that any police instructions/directions are complied with whenever given • a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point <p><u>NB these changes need to reflect local conditions...I am not aware that we use pagers in Derby but there is the active Pubwatch network of almost 100 radios which links premises, police, CCTV control etc</u></p>		

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
65	Appendix A 2	<p><u>TEXT/RADIO PAGERS</u> This development makes an industry from unreasonable risk and failure of control.</p>	<p>Comments have no significance on the wording of the appendix.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
58	Appendix A 3	<p><u>DOOR SUPERVISORS</u> Conditions relating to the provision of door supervisors and security teams may be valuable <u>will be used in circumstances where they are considered beneficial including:</u></p> <ul style="list-style-type: none"> • preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder • keeping out excluded individuals (subject to court bans or imposed by the licence holder) • searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons • maintaining orderly queuing outside of venues prone to such queuing <p>Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions <u>will</u> may <u>also be applied</u> need to <u>to dealing</u> with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at</p>	<p>Officers agree with the suggested wording.</p> <p><u>Recommendation</u> Amend wording accordingly.</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<p>what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).</p> <p>Door supervisors also have a role to play in ensuring public safety.</p>		
45	Appendix A 4	<p><u>BOTTLE BANS</u> As this paragraph reads, we cannot serve wine because we don't do meals. We cannot serve a bottle of Canada Dry with a Whisky or a bottle of coca-cola for a child. Nor could we serve Champagne in an ice bucket on the special occasion, As a family club we have never had any problems with bottles, and believe that this paragraph should be changed to include beer bottles only.</p>	<p>Comments have no significance on the wording of the appendix, as it is only a suggested area that may need to be considered by the applicant.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
58	Appendix A 4	<p><u>BOTTLE BANS</u> Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can <u>be applied preventing</u> sales of drinks in glass bottles for consumption on the premises.</p> <p>A condition requiring that no sales of beverages in glass bottles for consumption on the premises <u>might</u> could include the following elements:</p>	<p>Officers agree to the change in wording as suggested</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<ul style="list-style-type: none"> no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place) <p>In appropriate circumstances, the condition could include exceptions, for example, as follows:</p> <p>but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food</p>		
65	Appendix A 4	<u>BOTTLE BANS</u> These statements demonstrate lack of confidence in future control	Comments have no significance on the wording of the appendix.- <u>Recommendation</u> No amendments necessary	Agreed.
58	Appendix A 5	<u>PLASTIC CONTAINERS AND TOUGHENED GLASS</u>	Officers agree with the part of the suggested wording.	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<p><u>Glasses containing drinks may be used as weapons during incidents of disorder and, in un-toughened form, can cause very serious injuries. The Council is from a health promotion point of view concerned to reduce the risks of and opportunities for glass injuries and admissions to hospital and other health services and will therefore consider applying</u> could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary.</p> <p>Location and style of the venue and the activities carried on there will <u>would</u> be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches.</p>	<p>However the sentence 'The Council ...' should be reworded to say - 'To reduce the risks of glass injuries, the Council may consider applying conditions requiring either the use of plastic containers or toughened glass'</p> <p><u>Recommendation</u> Amend wording accordingly</p>	
65	Appendix A 5	<p><u>PLASTIC CONTAINERS AND TOUGHENED GLASS</u></p> <p>These statements demonstrate lack of confidence in future control</p>	<p>Comments have no significance on the wording of the appendix.</p> <p><u>Recommendation</u> No amendments necessary</p>	Agreed.
56	Appendix A 6	<p><u>CCTV</u></p> <p>I believe that the appropriate BS standard for CCTV inside and outside premises should be incorporated into the policy or did I miss that?</p>	See below	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
58	Appendix A 6	<p><u>CCTV</u> The <u>Council considers that the</u> presence of CCTV cameras can be an important means of deterring and detecting crime <u>and asb</u> at, and immediately outside, licensed premises <u>and also be a valuable tool in the range of management practices adopted at licensed premises</u> Conditions <u>might</u> should not just consider <u>include</u> a requirement to have CCTV on the premises, <u>and</u> but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.</p> <p>The police <u>will</u> should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.</p>	<p>Officers agree with the suggested wording, except the last sentence. Suggest the last sentence is retained as 'should'.</p> <p><u>Recommendation</u> Amending wording accordingly</p>	Agreed.
65	Appendix A 6	<p><u>CCTV</u> Required total management assessment.</p>	See above	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
	Appendix A 7	<p><u>OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES</u></p> <p>Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful.</p> <p>However, consideration <u>will</u> should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles).</p> <p>This may again <u>could</u> be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.</p>	<p>Officers suggest changing the wording to:-</p> <p>'However, consideration <u>may</u> be given '</p> <p>'This <u>could</u> be necessary'</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.
65	Appendix A 7	<p><u>OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES</u></p> <p>These statements demonstrate lack of confidence in future control</p>	<p>Comments have no significance on the wording of the appendix.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
58	Appendix A 8	<u>RESTRICTIONS ON DRINKING AREAS</u> It may be necessary <u>for the Council</u> to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions <u>will</u> should not only specify these areas, but indicate the circumstances in which the ban <u>will</u> would apply and times at which it will should be enforced.	Officers agree with the suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
65	Appendix A 8	<u>RESTRICTIONS ON DRINKING AREAS</u> These statements demonstrate lack of confidence in future control	Comments have no significance on the wording of the appendix. <u>Recommendation</u> No amendment necessary	Agreed.
30	Appendix A 9	<u>CAPACITY LIMITS</u> Door supervisors should be in use at all times.	Beyond the scope of the guidance. <u>Recommendation</u> No amendment necessary	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
58	Appendix A 9	<p><u>CAPACITY LIMITS</u> Although most commonly made a condition of a licence on public safety grounds, consideration <u>will</u> should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence.</p> <p>Where such a condition is considered necessary, consideration <u>will</u> should also be given to whether door supervisors <u>will</u> would be needed to ensure that the numbers are appropriately controlled.</p>	<p>Officers agree in principle to the changes, however, suggest in the first paragraph 'should' to be retained.</p> <p><u>Recommendation</u> Amend other wording accordingly</p>	Agreed.
65	Appendix A 9	<p><u>CAPACITY LIMITS</u> These statements demonstrate lack of confidence in future control</p>	<p>Comments have no significance on the wording of the appendix.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
22	Appendix A 10	<p><u>PROOF OF AGE CARDS</u> <u>It is a good idea to ask for proof of age when serving children with alcohol, but have you ever seen a Licensee ask for one (no) I have not. A lot of the problems in Derby are caused by youngsters so more control is needed.</u></p>	<p>Comments have no significance on the wording of the appendix.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
30	Appendix A 10	<p><u>PROOF OF AGE CARDS</u> Proof of age cards should be a definite requirement.</p>	<p>Beyond the scope of the Act</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
58	Appendix A 10	<p><u>PROOF OF AGE CARDS</u> It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them.</p> <p>To prevent such crimes, it may be necessary to require a policy may to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This <u>will</u> should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Council strongly supports <u>(this is the first time an opinion of the Council has been expressed so strongly in any of these draft conditions...see comments at beginning)</u> the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.</p> <p>A condition could ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This <u>will help</u> would ensure that most minors – even those looking older – will would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of</p>	<p>Officers agree to the suggested wording.</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.		
65	Appendix A 10	<u>PROOF OF AGE CARDS</u> These statements demonstrate lack of confidence in future control	Comments have no significance on the wording of the appendix. <u>Recommendation</u> No amendment necessary	Agreed.
30	Appendix A 11	<u>CRIME PREVENTION NOTICES</u> Should be an offence for customers to leave bags unattended.	Beyond the scope of the Act. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix A 11	<u>CRIME PREVENTION NOTICES</u> The Council considers that it It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. (would prefer not to say this as applicants might just quote it back) For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism.	Officers agree with suggested wording, omitting the last 2 sentences, as licensing does not deal with car parks. <u>Recommendation</u> Amend wording accordingly	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		Consideration will could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns. <u>How does licensing deal with dedicated car parks attached to licensed premises? Could we in some cases expect notices in car parks?</u>		
65	Appendix A 11	<u>CRIME PREVENTION NOTICES</u> These statements demonstrate lack of confidence in future control	Comments have no significance on the wording of the appendix. <u>Recommendation</u> No amendment necessary	Agreed.
34	Appendix A 12	<u>DRINKS PROMOTIONS</u> A specific condition prohibiting 'Happy Hours' and the promotion of cheap drinks should be included.	Beyond the scope of the Act. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix A 12	<u>DRINKS PROMOTIONS</u> <u>Despite the Council's concern about the impact that fixed low price campaigns can have, standardised conditions will should not be attached to premises licences or club premises certificates which relate to the use of promoting fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law.</u> (Again do not see it necessary for the LPS to say this)	Officers agree with suggested wording, except to remove the first part - 'Despite the Council's concern about the impact that fixed low price campaigns have' starting sentence with 'Standardised conditions will	Agreed.
			<u>Recommendation</u> Amend wording accordingly	

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		<p>Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be <u>considered</u> permissible provided they are necessary for the promotion of the licensing objectives, but the Council will take legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.</p> <p>In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it <u>will</u> would be appropriate for the Council to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, the Council will <u>again</u> take legal advice.</p>		
65	Appendix A 12	<p><u>DRINKS PROMOTION</u></p> <p>These statements demonstrate lack of confidence in future control</p>	<p>Comments have no significance on wording of appendix.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
68	Appendix A 12	<u>DRINKS PROMOTION</u> Drinks promotions – there already are cartels selling drink cheaply – for example, JD Weatherspoons which runs several pubs in Derbyshire and sells real ale cheaply all day. It is also a HVVD. (High Volume Vertical Drinking Establishment) They are not the only ones and are included here as an example	Comments have no significance on wording of appendix. <u>Recommendation</u> No amendment necessary	Agreed.
46	Appendix A 13	<u>SIGNAGE</u> Relating to hours of operation, if displayed outside patrons may insist premises should stay open until permitted hour, even if only (1) person on premises and may cause a problem for licensee to remove him or her. It is up to the licensee as to when he wants to close, subject to number on premises ie where licensing hours go beyond 11.00pm.	Comments have no significance on wording of appendix. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix A 13	<u>SIGNAGE</u> <u>The Council may consider it</u> It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
65	Appendix A 13	<u>SIGNAGE</u> Such signage obligatory	Beyond scope of Act. <u>Recommendation</u> No amendment necessary.	Agreed.
58	Appendix A 14	<u>LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)</u> Where necessary and appropriate, The Council will consider attaching conditions can be attached to	Officers agree with suggested wording.	Agreed.

Document Number	Paragraph No	Comment	Licensing Officers' Response	Cross-Party Working Group Response
		premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:	<u>Recommendation</u> Amend wording accordingly	
65	Appendix A 14	<u>LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)</u> Anyone incapable of vertical consumption is unfit to buy alcohol.	Agree with comment, but is beyond scope of pool of conditions. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix B	CONDITIONS RELATING TO PUBLIC SAFETY Note <u>I feel that if the value of this appendix B is to be maximised, then again it needs to be edited to say that this is what the Council will do or will consider doing. Hope fully somebody else can do the editing?</u>	No amendments requested. <u>Recommendation</u> No amendment necessary	Agreed.
65	Appendix B	<u>CONDITIONS RELATING TO PUBLIC SAFETY</u> A discussional document which is supposed to be authoritative.	No amendments requested. <u>Recommendation</u> No amendment necessary	Agreed.
68	Appendix B	<u>CONDITIONS RELATING TO PUBLIC SAFETY</u> Should contain mention of emergency evacuation procedures in times of flooding, for licensed premises in floodplain	This would be dealt with under primary legislation. <u>Recommendation</u> No amendment necessary	Agreed.

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68	Appendix B 3	<u>ESCAPE ROUTES</u> In connection with the above, this should also state 'dry escape runs' in line with the above mentioned Environment Agency recommendations	This would be dealt with under primary legislation. <u>Recommendation</u> No amendment necessary	Agreed.
84	Appendix B 10	<u>ACCESS FOR EMERGENCY VEHICLES</u> What is adequate legislation?	Do not understand the comment. <u>Recommendation</u> No amendment necessary	Agreed.
83	Appendix B 11	<u>FIRST AID</u> "Details of staff available to deal with First Aid training could be also an element dependant on cases of applications as appropriate and needs.	Do not understand the comment. <u>Recommendation</u> No amendment necessary	Agreed.
84	Appendix B 11	<u>FIRST AID</u> What is adequate legislation?	See above	Agreed.
84	Appendix B 12	<u>LIGHTING</u> What is adequate legislation?	See above	Agreed.
84	Appendix B 13	<u>TEMPORARY ELECTRICAL INSTALLATION</u> What is adequate legislation?	See above	Agreed.
83	Appendix B 15	<u>ALTERATIONS TO THE PREMISES</u> If application granted – changes then made later	See above	Agreed.
58	Appendix C	THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY) Note <u>I feel that if the value of this appendix C is to be</u>	No amendments requested. <u>Recommendation</u> No amendment necessary	Agreed.

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		<u>maximised then again it needs to be edited to say that this is what the Council will do or will consider doing. Hope fully somebody else can do the editing?</u>		
58	Appendix C	<p><u>THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)</u></p> <p>In addition to the points made in Appendix B, there are particular matters in the context of public safety and fire safety which should <u>will</u> be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and <u>will</u> should be established through risk assessment and standardised conditions <u>will</u> should be avoided. The points which follow are <u>those which will be taken into account by the Council for consideration</u> and do not represent a mandatory list.</p>	<p>Officers agree in principle to the changes, except in the first sentence the 'will' should be changed to 'may'.</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.
42	Appendix C	<p><u>Ceilings</u></p> <p>I note that ceilings are to be inspected for Theatres etc, what about clubs where there is a lot of lighting equipment installed?</p>	<p>No amendments requested.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
68	Appendix C	<p><u>PUBLIC SAFETY</u></p> <p><u>This needs to include riverfronts especially in view of the twelve liquor licenses granted for the area adjacent to the River Derwent. Each pub, bar, nightclub, casino, café pub etc fronting the river should have life belts available inside, especially as the life belts along the River itself are often missing.</u></p>	<p>This is dealt with by primary legislation.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

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84	Appendix C	<u>DRINKS</u> The wording on this section is confusing regarding drinks	No amendments requested. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix D 1	<u>CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE</u> It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters will should be considered before <u>The Council</u> deciding whether or not conditions are necessary for the prevention of public nuisance.	Officers agree to suggested wording. <u>Recommendation</u> Amend wording accordingly.	Agreed.
58	Appendix D 2	<u>GENERAL</u> When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and <u>the Council, as licensing authorityies are</u> , <u>is</u> considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will should be considered as measures that, if necessary, would promote the prevention of public nuisance. Whether or not any risk assessment shows them to	Officers agree to suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.

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		<p>be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.</p> <p>Necessary conditions for licences and certificates will also depend on <u>our</u> local knowledge of the premises.</p>		
17	Appendix D 3	<p><u>HOURS</u></p> <p>To be displayed outside licensed premises (as I live opposite a public house and it should close at 23.30 not 01.00 or 02.00).</p>	<p>Statutory guidance only. Suggests this in Appendix A.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
58	Appendix D 3	<p><u>HOURS</u></p> <p>The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But <u>The Council will balance this against</u> this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.</p>	<p>Officers agree to suggested wording.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
5	Appendix D 4	<p><u>NOISE AND VIBRATION</u></p> <p>Student & other parties held at residential premises often lead to noise & vibration, fireworks are often a feature of such events. A licensing policy does little to protect local residents against any of that.</p>	<p>Beyond scope of Act.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.

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17	Appendix D 4	<u>NOISE AND VIBRATION</u> Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly. Also taxi's that arrive at licensed premises not to sound car horns to pick up passengers.	This is not mandatory. <u>Recommendation</u> No amendment necessary	Agreed.
39	Appendix D 4	<u>NOISE AND VIBRATION</u> There should be a mandatory requirement for noise limiters on amplification equipment. In summer or when the weather is hot and/or humid, doors and windows are opened for the comfort of clients, hence allowing noise to emanate to surrounding premises, disturbing residents. This can be a particular problem for parents of young children trying to get them to sleep and for adults themselves who have to arise early for work in the morning.	This is not mandatory. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix D 4	<u>NOISE AND VIBRATION</u> In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, The Council might consideration might be given to conditions that ensure that:	Officers agree with suggested wording. <u>Recommendation</u> No amendment necessary	Agreed.
88	Appendix D 4	<u>NOISE AND VIBRATION</u> It is recommended that Appendix D.4 of our Licensing Policy is amended to read: For certain premises, where there is the likelihood that noise and vibration will cause a public nuisance to people living and working nearby, consideration will be given to applying conditions such as: • Keeping doors and windows at the premises	This amendment has removed reference to existing (primary) legislation. Suggest keeping the bulleted list and attaching it to previous agreed paragraph. <u>Recommendation</u> Amend	Agreed.

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		<p>closed</p> <ul style="list-style-type: none"> • Installing a sound insulation scheme to effectively reduce the transmission of entertainment noise, as designed by an appropriately qualified Acoustic Consultant. This may involve measures such as: <ol style="list-style-type: none"> 1) double/secondary glazing 2) sound trap lobbies 3) acoustic doors 4) automatic door closers 5) reducing the amount of noise that can escape from external openings, such as ventilation grills • Installing a complimentary ventilation scheme, so as to retain the effectiveness of the sound insulation scheme and to therefore enable windows and doors to be kept closed • Use of a noise limiter on amplification equipment used at the premises • No music or speech to be relayed via external speakers • Time restrictions on the use of external beer gardens • Time restrictions on the disposal of waste bottles into outside receptacles • Time restrictions on waste collection contractors • Display of prominent, clear and legible notices at all exits, requesting the public to respect the needs of local residents by leaving the premises quietly • Restrictions on the use of fireworks 	wording accordingly.	

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58	Appendix D 5	<u>NOXIOUS SMELLS</u> In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given <u>by the Council</u> to conditions that ensure that:	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
65	Appendix D 5	<u>NOXIOUS SMELLS</u> Use carbon filters etc <u>Control</u> disposal of food waste – there are increasing number of fat blockages in sewers/drains.	No amendment suggested. <u>Recommendation</u> No amendment necessary	Agreed.
58	Appendix D 6	<u>LIGHT POLLUTION</u> In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might <u>also be given by the Council</u> be given to conditions that ensure that: <ul style="list-style-type: none"> flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition <u>will</u> needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places 	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
65	Appendix D 6	<u>LIGHT POLLUTION</u> Delete “Pollution” insert “Nuisance” (this includes intrusion) e.g. Pride Park lights illuminate upper storeys of <u>Spondon</u> houses until 2300 hours!! Light nuisance includes exceeding cartilage of originating premises at any altitude.	'Light Pollution' is the correct defined term. <u>Recommendation</u> No amendment necessary	Agreed.

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65	Appendix E	<p><u>CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM</u></p> <p>As a matter of course for child safety, under 12s should be in residential premises from 2100 hours. 12-16s should be in residential premises from 2200 hours</p> <p>Exceptions require justification.</p>	<p>Beyond scope of the Act.</p> <p><u>Recommendation</u> No amendment necessary</p>	Agreed.
58	Appendix E 1	<p><u>ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL</u></p> <p>Restrictions on the access of children under 18 to premises where licensable activities are being carried on <u>will</u> should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.</p> <p>Conditions attached to premises licences and club premises certificates <u>will</u> may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates <u>will</u> must be judged on their individual merits and characteristics, the Council recommends (unless there are circumstances justifying the contrary) that:</p>	<p>Officers agree with suggested wording.</p> <p><u>Recommendation</u> Amend wording accordingly</p>	Agreed.
68	Appendix E 1	<p><u>PROTECTION OF CHILDREN FROM HARM</u></p> <p><u>CONDITIONS</u></p> <p><u>ACCESS FOR CHILDREN TO LICENSED PREMISES</u></p> <p>this is not strong enough to prevent children from accessing gambling premises, ie in that it states that they should only be kept away from areas of</p>	<p>Officers do not agree with the comment, adequate controls can be introduced following relevant representation.</p>	Agreed.

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		"significant gambling" yet these areas are not defined. There is also no recognition that during the day – when gambling and drinking restrictions are being lifted – children are often in the vicinity of gambling and drinking premises, as these premises are now being situated closer to shops and family-based leisure etc in large-scale developments.	<u>Recommendation</u> No amendment necessary	
58	Appendix E 2	<u>AGE RESTRICTIONS – SPECIFIC</u> Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties, <u>The Council</u> will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
58	Appendix E 7	<u>THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS</u> Where appropriate and necessary, <u>The Council will</u> consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
58	Appendix E 8	<u>PROOF OF AGE CARDS</u> Proof of age cards are discussed under Appendix A in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.

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		proof of age cards before any sale of alcohol is made will be could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement might should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Council strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, <u>The Council might apply conditions that</u> may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports.		
58	Appendix F 1	<u>MANDATORY CONDITIONS</u> Where the 2003 Act provides for a mandatory condition to be included in a premises licence, it is the duty of the <u>City Council, as the</u> licensing authority issuing the licence to include that condition on the premises licence.	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.
58	Appendix F 2	<u>DOOR SUPERVISION</u> Under the terms of the 2003 Act, whenever <u>the Council includes</u> a condition is included in a premises licence that at any time individuals must be present at the premises to carry out a security activity (for example, door supervisors), the licence must include a condition requiring that each such person must be licensed by the Security Industry Authority.	Officers agree with suggested wording. <u>Recommendation</u> Amend wording accordingly	Agreed.

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		Further details can be found in the Private Security Industry Act 2001 (as amended by the 2003 Act).		
84	Outdoor Events	<p>There is lack of clarity about whether licensing procedures will change for outdoor events. It mentions on page 1 of the summary that people or businesses organising temporary events will be affected.</p> <p>This needs to be addressed under the following categories:</p> <ul style="list-style-type: none"> ○ Outdoor events organised by DCC on DCC owned land ○ Outdoor events organised by External organisers on DCC land ○ Outdoor events organised by external companies on privately owned land. <p>There is currently no legislation to say that a Private landowner cannot put on an event e.g. a funfair on a farmers field, and they do not need to adhere to current guidance from event planning and do not need planning permission / or license. This could be addressed in new policy. The document needs to be addressed by Event Planning team if licensing policy on outdoor events is changing.</p> <p>There needs to be reference to teenage drinking/behaviour and national policy on binge drinking.</p> <p><u>Charging at events – becomes a private function.</u></p> <p><u>External event organisers can get round licensing policy at the moment for private functions on private land.</u></p>	<p>Some of these issues fall outside of the scope of the Policy.</p> <p>Temporary events whether on DCC or privately owned land will require a licence if there is a licensable activity taking place.</p> <p>Officers agree with suggested wording.</p> <p><u>Recommendation</u> No amendments necessary.</p>	Agreed.