

## Draft Licensing Act 2003: Statement of Policy, 5th Edition - Comments Received During Public Consultation Period

Punch Tavern's Comments	Officer Comment	Proposed Policy Amendment
<p><u>Prevention of Crime and Disorder</u> Crimes that are not specifically linked to the four licensing objectives are often highlighted at licensed premises by, for instance the police. It should be made clear in the policy that this type of data need not be presented.</p>	<p>The licensing team and the Committee members at any licensing hearing are able to differentiate between relevant and non-relevant information; sometimes it is helpful to have the premises' full history.</p>	<p>No amendment.</p>
<p><u>GDPR</u> (General Data Protection Regulation) Reference to the new data protection legislation; regulating personal data held.</p> <p>This should be addressed in the policy so that, for instance, CCTV is not being universally required where there is not real need.</p> <p>Conditions need to be updated in certain cases.</p>	<p>Each condition on a licence would be volunteered by the licence holder, agreed by mediation or imposed by Committee; they must be justifiable.</p> <p>CCTV is never required routinely.</p> <p>Older, ill-worded conditions cannot be routinely 'updated' by officers.</p>	<p>No amendment.</p>
<p><u>Prevention of Public Nuisance</u> Reference to conditions being imposed that do not relate to public nuisance but instead private nuisance.</p> <p>The suggestion to expressly state the difference between public and private nuisance in the policy.</p>	<p>Each investigation into nuisance would be investigated by an officer (most likely an Environmental Health Officer) and assessed on the facts.</p> <p>Each condition on a licence would be volunteered by the licence holder, agreed by mediation or imposed by Committee; they must be justifiable.</p>	<p>No amendment.</p>
<p><u>Agent of Change</u> The suggestion that the issues currently being debated with respect to Planning be reflected in our policy relating to licensing.</p>	<p>It might be more appropriate to wait until the principle has been debated in Planning and the section 182 Licensing Act 2003 guidance updated.</p>	<p>No amendment.</p>

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<p><u>Relationship with Planning</u> The suggestion that our policy should make it clear that licensing and planning are two separate regimes and that conditions should not be repetitive and overlaps in hours should be avoided.</p>	<p>The Licensing Policy already addresses these points within section 4.</p>	<p>No amendment.</p>
<p><u>Cumulative Impact</u> Notes that the policy excludes Cumulative Impact Zones and agrees with this approach.</p>		<p>No amendment.</p>
<p><u>Variations of licences</u> The suggestion that the policy goes into more detail about when the use of a 'minor variation' would be allowed.</p>	<p>The minor variation process is a useful tool for varying a licence but can only be used in certain circumstances. There is information in the policy at 20.3.</p>	<p>No amendment.</p>
<p><u>On and Off sales</u> The suggestion that the policy includes a statement to explain the difference between 'on-sales' and 'off-sales'.</p>	<p>There is generally no confusion about the difference here; off-licences sell for consumption elsewhere and restaurants, public house etc. are authorised for on-sales.</p>	<p>No amendment.</p>
<p><u>Strategies</u> The suggestion that we include 'links' to our list of strategies referenced in the policy.</p>	<p>In inclusion of web-links would inevitably lead to checking/updating being required.</p>	<p>No amendment.</p>
<p><u>List of Responsible Authorities</u> The suggestion that a list of responsible authorities with contact details should be within the policy.</p>	<p>A list of this type is maintained on the licensing web-pages; to have it contained within the policy would inevitably lead to having to regularly update the policy.</p>	<p>No amendment.</p>