

Appendix 2 - Review of Statement of Licensing Policy – Consultee Comments

Date Received	Consultee	Comment	Reply
27/8/13	Kegworth Parish Council	<p>Kegworth Parish Council has asked me to inform you that it has reviewed the Policy and would like to continue to receive information weekly about who has applied for a new or change of Licence. This has been extremely helpful in the past and meant that applications within its own Parish have not been missed.</p> <p>With regard to the consultation questions, as these pertain, mostly, to larger areas such as Ashby and Coalville, then the Councillors for those areas are best placed to comment on the proposals for these areas. Kegworth Parish Council is not aware of any problems caused within its village by the granting of Licences to public houses and off licences as well as the Village Hall and other public venues. One off incidents are handled by the Police or your own enforcement team on an ad hoc basis. The Council does not see any problem with the number of takeaways or off licences in Kegworth and does not feel that the Policy requires alteration with regard to this village.</p>	<p>Noted, the weekly log will continue to be sent out to Parish Councils for information purposes. This service falls outside of the statutory consultation and notification process.</p> <p>Noted</p>
9/9/13	Ashby Civic Society	<p>An EMRO is not appropriate at the moment</p> <p>The cumulative impact policy should continue for Ashby. There are ongoing applications to extend Pub, nightclub and takeaway licensing hours. Much evidence has been supplied by the police, town council and residents of continued crime and disorder and public nuisance associated with licensed premises in the</p>	<p>Noted.</p> <p>This view is supported by Leicestershire Police and Ashby Town Council – To recommend the cumulative impact policy in Ashby be retained.</p>

		<p>town centre. the continuance of the saturation policy is vital to controlling the licensing objectives for Ashby town centre.</p> <p>The Special Policy Area does need amending. Area should be extended to include The Royal Hotel and Bath Grounds, The plough inn on the Green and Weatherspoons on Derby Road. These are significant licensed premises which are currently not covered by the saturation policy.</p> <p>The Special policy should cover Pubs, Clubs and Takeaways. (i.e. all licensed premises.)</p> <p>The rebuttable presumption to refuse should apply to all operating hours</p> <p>Ashby Civic Society would like to comment on all Ashby licensing applications. However this is difficult as we rely on monitoring local premises and the council website. We would like to be treated as a consultee and be informed directly of all Ashby applications.</p>	<p>The Special Policy on cumulative impact was introduced due to the impact of a concentration of licensed premises on the licensing objectives. When considering an extension of the existing area, the nature, size and location of each of the premises named and whether the premises is likely to add to the existing cumulative impact must be considered.</p> <p>Noted. This view is supported by Leicestershire Police and Ashby Town Council Noted, this is the current position.</p> <p>Noted</p> <p>Ashby Civic Society are able to comment on all applications. NWLDC will continue to satisfy both legislative requirements and statutory guidance regarding consultation and notification. However NWLDC is not in a position to directly notify other persons / bodies.</p>
11/9/13	Resident via Councillor Large	<p>To consider the implications arising from the case R. (on behalf of Developing Retail Ltd v East Hampshire Magistrates Court & Portsmouth City Council (The Portsmouth Case).</p> <p>Requirement to replace noise conditions requiring inaudibility with a specified noise limit.</p>	<p>Implications arising from the stated case have been considered resulting in a move away from conditions requiring inaudibility to objective noise limits.</p> <p>In the case of new applications in the event it is considered appropriate to add a condition relating to noise controls, a noise</p>

		<p>Requirement to apply lower noise limits contained within the Noise Act 1995. Requirement to provide a noise report, where the licence holder or applicant contests the noise limit.</p>	<p>limit is specified.</p> <p>Where a current licence contains a condition requiring inaudibility a process to remove and replace the condition with a specific noise limit will be considered should justified complaints relating to noise from the premises be received. An example would be following an application to review the licence.</p> <p>The Noise Act 1996 (The Act) requires the provision of an out of hour's noise service in order to adopt the requirements of the act. NWLDC have not adopted the Act as an out of hour's noise service is not justified given the nature and character of the District. As NWLDC have not adopted the Act the Authority cannot adopt the noise limits within it. Consequently it is not appropriate to require the production of a noise report where the licence holder or applicant does not agree with the limits set out in the Act.</p>
13/9/13	Measham Parish Council	<p>Yes the Parish Council agree that an EMRO is not appropriate, however should it be felt that it was necessary to be introduced the Parish Council would be supportive.</p> <p>Measham Parish Council feel that they don't have enough working knowledge of the situation relating to the licensed premises in Ashby de la Zouch town centre to be able to make comment on the special policy currently in place.</p> <p>The Parish Council would like to see a compulsory linked</p>	<p>Noted. This view is shared by other consultees.</p> <p>Noted.</p> <p>NWLDC encourages the sharing of</p>

		<p>'Pub Watch' scheme for licensed premises in villages as well as town centres.</p> <p>Cleaning up of cigarette ends and chewing gum should be included within the paragraph regarding litter.</p> <p>All alcohol off sales should be individually marked so they can be identified where they have come from when found in the parks, open spaces and in the possession of under age children.</p> <p>The Parish Council would welcome rigorous enforcement on licensing conditions in Measham.</p>	<p>information and best practice between licence holders and responsible authorities. However it is not considered appropriate to make attendance at Pubwatch compulsory for all licensed premises.</p> <p>Noted, paragraph amended.</p> <p>A condition requiring the marking of alcohol receptacles is contained with a pool of licence conditions. This is added to individual premises licences if it is considered appropriate for the promotion of the licensing objectives.</p> <p>A risk based inspection programme is in place. All complaints and concerns received are responded to and investigated.</p>
13/9/13	Ashby De La Zouch Town Council	<p>It is appropriate for the promotion of the licensing objectives to apply a special policy relating to cumulative impact to Ashby de la Zouch town centre.</p> <p>The implementation of the Special Policy for the town has helped to improve the night time atmosphere in the town. Many people live within the town centre and it is crucial that the needs of residents living in the town centre and of businesses operating pubs, clubs and takeaways are balanced, the Special Policy assists in maintaining this balance. With the need for licensees to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives of approving an application. The 2013 Licensing Survey conducted by Ashby de la</p>	<p>Noted, This view is supported by Leicestershire Police and Ashby Civic Society – To recommend the cumulative impact policy in Ashby be retained.</p>

		<p>Zouch Town Council highlighted the following concerns about the late night economy in the town: Public safety: Within responses to the Licensing Survey people acknowledged improvements in the night time economy in recent years. It is the Town Council's opinion that the Special Policy has contributed to these improvements. Prevention of Public Nuisance: 73% of respondents to the survey felt that closing times should be before 2am, with a wide variety of times suggested. Whilst 45% of people saw a direct link between noise and disruption and the closing times of the night clubs. The Special Policy should prevent later opening times and the perceived increase in noise and disruption later opening times would bring to people living in the town centre.</p> <p>The area currently covered by the Special policy does not require amendment.</p> <p>The special policy should apply to all types of licensed premises.</p> <p>The special policy should apply to all operating times / hours.</p>	<p>Noted.</p> <p>Noted, this is the current position. This view is supported by Leicestershire Police and Ashby Civic Society</p> <p>Noted, this is the current position. This view is supported by Ashby Civic Society</p>
4/10/13	Leicestershire Police	<p>Their reply was made up of several documents in support of the retention of the Ashby de la Zouch cumulative impact policy. The full response can be found at Appendix 3</p>	<p>Noted, This view is supported by Ashby Civic Society and Ashby Town Council. The proposal is supported by crime data demonstrating that crime levels have fallen since the introduction of the cumulative impact policy in 2005 – To recommend the cumulative impact policy in Ashby be retained.</p>

		<p>To extend the CIZ to include the Wetherspoons premises (trading as Shoulder of Mutton) at the junction of Kilwardby Street, Derby Road, Bath Street and Market Street which abuts the current special policy area.</p> <p>The special policy could relate only to Premises closing at or before 20:00 as it is from this time the incidents of crime begins to increase.</p>	<p>Noted. To recommend Licensing Committee consider an extension of the area to include the Shoulder of Mutton public house</p> <p>Noted. To recommend the special policy to apply to premises which are trading at 20:00 and later.</p>
7/10/13	Leicestershire Fire and Rescue Service	<p>A response to Section 5.3 of the draft consultation -</p> <p>This section deals with occupancy figures and states that a fire certificate specifies the max numbers of persons on a premises. Fire Certificates are no longer issued and the Fire Service would require a Fire Risk assessment to justify the occupancy figures appropriate to the premises. The Regulatory Reform (Fire Safety) Order 2005 sets out the legislation.</p>	Noted, section 5.3 of draft policy amended.
7/10/13	NWLDC Street Action	<p>To add the following paragraph to the policy: “With regard to existing premises with non-audibility conditions the enforceability of these is now in question. In the event that premises subject to such a condition were found to be breaching that condition a review of all enforcement options would be undertaken to decide on the most appropriate course of action. If this results in a review of the licence a more suitable condition would be added taking into account current noise guidance”.</p> <p>At section 6.4 Conditions - the following should be added (possibly after bullet point ‘Maximum noise levels over</p>	<p>Noted, draft policy amended by adding suggested paragraph at section 6.4.</p> <p>Noted, draft policy amended.</p>

		<p>particular time periods.’</p> <p>To add the following paragraph to the policy: ‘Noise controls specified within the licence will be set in line with relevant guidance currently The Noise Council guidance and the World Health Organisation Guidelines for Community Noise.’</p>	<p>Noted, draft policy amended.</p>
7/10/13	Castle Donington Parish Council	<p>‘The Purpose of the Policy’ – “inform residents and businesses about how applications will be viewed and how their needs will be addressed” Town Councils, Parish Councils, Parish meetings and residents and businesses within 50 metres of the application premise should be added to the list of responsible authorities etc. who <u>must be notified</u> of applications and are entitled to make representations to the Licensing Authority in relation to an application.</p> <p>Currently these groups are listed as ‘other persons’ and whilst they are entitled to make representations to the Licensing Authorities on application, they are not notified of applications and the only requirement to advertise the application other than the formal notification to responsible authorities is by public notice within the application premise.</p> <p>The Parish Council would like to see a system similar to that for planning applications.</p> <p>The Parish Council also would like to suggest that where there is an event held within premises which have been granted a premises licence for an extensive site which can host a variety of indoor and outdoor events (e.g. Raves, Rock Concerts, County & Western Festivals etc) and which has an expected attendance of over say 1000 then an officer of the Licensing Authority should be paid for by the</p>	<p>The requirements relating to consultation and notification are detailed within the statutory guidance and the legislation itself.</p> <p>NWLDC will continue to meet its statutory responsibilities with regards the placement of public notices, the notification to responsible authorities and the advertisement of all applications on the Council website.</p> <p>In addition to the statutory minimum the Council currently notifies Parish Councils of applications received by emailing a weekly log</p> <p>NWLDC does not have the capacity to directly notify all interested persons within 50 metres of an application.</p> <p>All applications are available to view on the Council website</p> <p>The Council holds a pool of conditions which are used as a reference tool to ensure that conditions appropriate for the promotion of the licensing objectives are</p>

		<p>licensee to be in attendance and a complaints telephone line, to be advertised locally, should be established and maintained for the duration of the event so that appropriate on site measures can be taken to address any problem and stop the nuisance immediately at source. A direct line to the police should also be maintained in the event of trouble resulting from possible enforced early closure.</p>	<p>added to individual premises licences. Conditions include a requirement to submit an agreed event management plan and noise management plan. The content of the plans differ dependent upon the size and nature of the proposed event. The establishments of a resident telephone number would be appropriate to prevent public nuisance in some cases but not all events with an attendance of 1000 or more. The content of the noise management plan is agreed through discussion between the Council, the event organiser and licence holder. It is not considered appropriate to require a direct line to the police for all events of over 1000 persons. A licence holder is required to put in place appropriate measures to prevent crime and disorder which are discussed and agreed at the event planning stage.</p> <p>The following has been added to section 6.3 of the draft policy:</p> <ul style="list-style-type: none">• Monitor the noise levels and its impact.• Make a contact number available to any person wishing to report noise disturbance.
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