

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>George Gale & Co Ltd</p> <p>Tony Marten Managed House Director</p> <p>In general, agree with the contents of draft policy. Acknowledges positive role in encouraging tourism, entertainment, employment opportunities.</p> <p>Saturation Policy – Fully supportive. Does not consider there are other areas in need of saturation policy.</p> <p>2.35 and 3.20 The conditions too blanket/standard and over prescriptive, do not take account of different characteristics of pubs.</p> <p>For example:</p> <p>Page 16 Para A6 reinsert on P17 to avoid doubt, reflect no standard conditions and proportionate to risk involved.</p> <p>Page 19 Para B3. Far too detailed for existing pubs. No need to include occupancy levels in pubs which do not have regular and substantial entertainment. Councils do not have power to impose capacity limit unless volunteered. Battery of measures re: Health and Safety, fire precautions, lighting, ventilation, safety equipment, safety of persons with special needs; all covered by existing legislation and enforcement. “For a typically small pub these conditions and measures are surely excessive.”</p>	<p>Recommended Response to Representations:</p> <p>Support noted. Letter of thanks sent 16 November 2004.</p> <p>No change in Saturation Policy proposed.</p> <p>The Policy has been drafted to cover all premises. It includes suggested measures for applicants to consider and propose in their Operating Schedules. The Policy does not suggest the imposition of standard conditions.</p> <p>Recommended change (see also representations from <i>Greene King</i>, and response thereto, below):- Add to Paragraph 2.35:- <u>“Any conditions which are imposed will be tailored to the specific premises and the specific application.”</u></p> <p>Agreed</p> <p>Recommended change:- Move A.6 to beginning of “General” on page 17.</p> <p>This wording was proposed as part of the Model draft Licensing Policy by Hampshire Fire and Rescue. It is agreed that it may be more appropriate for applicants to have regard to these matters, rather than having to include copies of these documents with their Operating Schedules</p> <p>Recommended change:- Amend B.3 by replacing the words “To clearly demonstrate.....included with the Operating Schedule” with the following:-</p> <p><u>“When preparing their Operating Schedule, Applicants should consider the following matters and take them into account, and make reference to them in their Operating Schedule as appropriate:-</u></p>
---	--

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Page 22 Noise complaints measures should only be applicable where live entertainment (bands and discos) is in operation, i.e. they should not apply where there is just background music on jukeboxes.</p> <p>Page 22 & 23 Conditions to be imposed on pub customers leaving after 11.00 pm are again too standard and take no account of the different types of pub. The legislation and DCMS guidelines are designed to encourage flexible/late closing times. There should be no need for door staff or the giving away of free sweets or chocolate in most community pubs.</p> <p>Appendix B Prevention of Crime and Disorder Much less prescriptive in terms of measures outlined. It uses the words “measure which should be <u>considered</u>” and “operating schedules <u>may</u> need to set capacity limits.” This is far more appropriate wording than the “must have” blanket conditions on page 22.</p> <p>Appendix C Public Safety Likewise sets out “additional measures to be <u>considered</u>” which is far better in both tone and content.</p>	<p>The potential for noise issues (Public Nuisance Licensing Objective) is equally capable of being generated by “background music on jukeboxes” as it is from live entertainment or discos. The Policy is worded in terms of an <i>expectation</i> of the Council, but it is open for applicants to set out why such measures are not required in their particular circumstances.</p> <p>Recommended Change: - NONE</p> <p>These are not conditions which will be imposed in all cases. The list of practical steps is a list of suggested measures, but that does not mean that all are required. Furthermore, it may often be appropriate in community pubs to at least have a sign asking patrons to leave quietly. The phrasing of the Policy still allows applicants to provide Operating Schedules which do not include such measures, but where an application does seek late hours, the Operating Schedule would have to justify why no measures have been proposed. The fact that the premises are remote from any nearby dwellings would be an example of such a justification.</p> <p>Recommended Change:- NONE</p> <p>For the reasons set out above, it is not considered that the Policy wording is too prescriptive.</p> <p>Recommended Change:- NONE</p>
---	---

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p><u>Parish Council of Denmead</u></p> <p>“Denmead Parish Council supports the draft consultation document subject to the inclusion of a clause stating that Town and Parish Councils will be formally invited to comment upon licensing applications applying to all premises within their areas.”</p>	<p>This recommendation from Denmead Parish Council would mean that copies of all “pure conversion” applications would have to be sent, even though these are already licensed. Sufficient copies of the application will be sent to the Council for internal consultation, but there is no requirement for addition “spare” copies to be submitted.</p> <p>It is planned to issue weekly lists of applications which are submitted to the Council. It is hoped that this can include a summary of the hours sought, and activities proposed. These could be sent to Parish Councils, for any comments they may wish to make on each application. The legislation provides expressly for copies of applications to be sent to responsible authorities, and for advertising of applications, but there is no requirement to send copies to Parish and Town Councils. No other Parish or Town Council has asked for such a clause to be included, and it could be said that other bodies e.g. residents associations would similarly want copies of applications in their area.</p> <p>Copies of applications could be made available to any Parish wishing to know the details of a specific application, and it is considered that this, coupled with the distribution of the weekly list to parish councils, should be sufficient.</p> <p><i>Recommended Change:- NONE</i></p>
<p>Greene King</p> <p>Concerned that the policy as currently drafted is far too prescriptive, requiring too much detail to be contained in the Operating Schedule, which would be translated into conditions of the licence. Much of this detail will not be necessary to all licensed premises to ensure promotion of the Licensing Objectives. amounts to a pre-judgement on the premises.</p> <p>Unless proposed by applicants, conditions can only be imposed when valid representations are made on one of the four Licensing Objectives.</p>	<p>The Act and Regulations require applicants to submit Operating Schedules setting out proposed measures to deal with the Licensing Objectives. All applicants (other than those applying to convert on existing terms during the Transition Period) will have to consider these objectives. The Policy sets out suggested measures for applicants to consider and propose in their Operating Schedules, if they consider it appropriate. Where they consider that the measures are not required, or alternative measures are adequate, it is open for applicants to make this clear in their applications.</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>It would be helpful if the Policy included an extract from Chap 7 of the Guidance. (Ch7. Para7.4. and 7.5).</p>	<p>It is considered that rather than include these extracts, paragraph 2.35 should be amended to refer to these paragraphs, and make it clear that conditions which are not included in the Operating Schedule can only be imposed when a hearing is held following relevant representations.</p> <p>Recommended Change:-</p> <p>Substitute the following for existing paragraph 2.35 (this includes the additional wording proposed following the representations from George Gale & Co. above):-</p> <p style="text-align: center;">Standardised Conditions</p> <p>2.35 <u>The Council will impose conditions to reflect applicants' Operating Schedules in all cases. Where a hearing is held following relevant representations, and the Council believes it to be appropriate and necessary in order to promote any of the licensing objectives, it will consider attaching further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed unnecessarily. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application. (see further Ministerial Guidance Paragraphs 7.4 and 7.5)"</u></p>
<p>Hampshire County Council Trading Standards Service.</p> <p>Policies should make specific reference to steps that prospective licensees should be taking to avoid illegal sales taking place and refer to the Responsible Retailing of Alcohol: Guidance for the Off-Trade produced by the Consortium and the Wine and Spirit Association. Staff training, good procedures and management, a No ID No Sale policy, some in store signage, refused sales logs, and sensible siting of drinks can all reduce the likelihood of illegal sales.</p>	<p>It is considered that most of the points raised are already included in the Licensing Policy. Some points have not been included, but these are covered by other legislation.</p> <p>It would be possible to include in the Policy encouragement for applicants to agree to keep a "Refused Sales" log, in order to demonstrate that they are checking ages vigorously.</p> <p>Recommended change:- Add at end of "Additional Controls" (Page 26):-</p> <p><u>The Council will actively encourage licensees to keep</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

	<p><u>registers of refused sales (refusals/challenge books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals/challenge books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.</u></p>
<p>Berwin Leighton Paisner</p> <p>Include a very clear statement that in the absence of relevant representations applications must be granted subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule.</p> <p>Also include Chapter 7 paras 7.4 & 7.5.</p>	<p>Recommended change:- Add to end of paragraph 2.39:-</p> <p><u>In the absence of relevant representations applications must be granted subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's Operating Schedule.</u></p> <p>It is considered that rather than include these extracts, paragraph 2.35 should be amended to refer to these paragraphs, and make it clear that conditions which are not included in the Operating Schedule can only be imposed when a hearing is held following relevant representations.</p> <p>Recommended Change:- <u>Substitute paragraph 2.35 as set out in response to Greene King above.</u></p>
<p>Policy is too prescriptive in relation to operating schedules. Only include specific matters identified in respect of the premises which need addressing to meet licensing objectives. Suggested including (to be shown in the policy in bold type)...</p> <p><i>"Where any control measure(s) is/are not relevant in respect of particular premises or activities, the Licensing Authority clearly will not expect it or them to be mentioned in the operating schedule. The lists of possible control measures are not to be regarded as absolute requirements or as "check lists" and will not be used by the Licensing Authority to create standard conditions."</i></p> <p>Also, consider that the wording in relation to the four licensing objectives could also be made clearer in order to make applicants more fully aware what is (and, just as importantly, what is not) required to be contained within their operating schedules.</p>	<p>The Policy is intended to assist applicants to put forward appropriate measures to deal with the licensing objectives. Whilst it is for applicants to propose measures, it is considered helpful that the Licensing Authority sets out in its Policy the types of measures which are likely to be needed to avoid representations being made. If applicants choose not to explain in their operating schedules why they have not offered such measures, the responsible authorities are more likely to make a representation, leading to more administration for all concerned, and possibly a hearing, which could have been avoided if the applicant's reasons had been made clear in the application.</p> <p>Paragraph 5.47 of the Guidance encourages applicants to seek the views of key responsible authorities before formally submitting their application. The Council's approach in including guidance to applicants in the Policy will allow applicants to have a clearer idea of the approach of the responsible authorities, and therefore minimise the burden on licensing authorities and</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>In order to help make the situation clearer to applicants, we would therefore ask if you would incorporate something upon the lines of the following next four paragraphs within your licensing policy.</p>	<p>applicants.</p> <p>Whilst it is considered that the Policy is not over-prescriptive, it is considered that the additional wording proposed could be added at the start of Part 4 of the Policy, for clarification.</p> <p>Recommended change:- Add the following as a third paragraph at the start of Part 4.</p> <p><u>“Applicants should deal in their Operating Schedule with each of the four licensing objectives, and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.</u></p> <p><u>The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.”</u></p>
<p><i>Crime and Disorder</i></p> <p>“When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule such measures might include the following.....”.</p>	<p>It is not considered that the proposed wording adds to the wording under “General” on page 17 of the draft Policy.</p> <p>Recommended Change:- NONE</p>
<p>Public Nuisance</p> <p>“When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent</p>	<p>An amended version of this wording could be included at the start of paragraph C.3:-</p> <p>Recommended change:- Add at start of paragraph C.3:-</p> <p><u>“When addressing public nuisance applicants should</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

Recommended Response to Representation *Recommended Change*

<p>public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule and these could include.....".</p>	<p><u>initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule They should also have regard...</u></p>
<p>Protection of Children</p> <p>"When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule and these may include.....".</p>	<p>An amended version of this wording could be included at the start of paragraph D.1:-</p> <p>Recommended change:- Add at start of paragraph D.1:-</p> <p><u>"When addressing the protection of children applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule They should also have regard...</u></p>
<p>Public Safety</p> <p>"Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events the following issues might be of relevance....".</p>	<p>An amended version of this wording could be included at the start of paragraph B.1:-</p> <p>Recommended change:- Add at end of paragraph B.1:-</p> <p><u>"Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>P.19 Section B3 You mention capacity limits without giving any indication that there are only limited circumstances in which a capacity figure might be appropriate.</p> <p>It would therefore be wholly inappropriate to set capacity figures for all premises and also this would be a standard condition which is not allowed (see Government Guidance 3.55). 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 such as venues providing public music and dancing or at venues where there is a genuine fear or a genuine problem with overcrowding. Capacities should not be set in relation to theoretical problems. If not volunteered by the applicant a capacity limit can only be set following a relevant representation and only then if necessary, reasonable and proportionate.</p> <p>Please substantially amend the section dealing with drugs. You do not seem to discriminate between restaurants, hotels etc where there is unlikely to be a problem and those premises where there may be a genuine concern in relation to drugs.</p>	<p>This wording was proposed as part of the Model draft Licensing Policy by Hampshire Fire and Rescue. It is agreed that in some cases, these requirements will be excessive and unnecessary.</p> <p><i>Recommended change</i> <i>Amend B.3 by adding after “are to be included in the Operating Schedule”:-</i></p> <p><u>“... (unless the applicant can demonstrate that, taking into account the Public Safety objective, such measures are either unnecessary, or can be fulfilled by other different measures specified in the Operating Schedule).”</u></p> <p>(This is in addition to the amendment proposed as per George Gale & Co. above)</p> <p>Given the widespread concern on misuse of drugs, it is considered reasonable that <i>all</i> licensees should be aware of drugs issues. The Policy is clear that additional awareness and steps will be required for higher risk premises.</p> <p><i>Recommended Change:- NONE</i></p>
<p>At the top of page 17, you correctly state that an individual is at liberty to volunteer any measure in relation to the licensing objectives. However, as already mentioned, this is not the impression you give later on in your policy.</p> <p>In B.3, you indicate a number of matters are to be included in the operating schedule. Whilst a plan of the premises will be lodged with an application, all of the other matters listed in B.3 are duplication and are therefore not required.</p>	<p>It is considered that the changes suggested in the Policy address these issues.</p> <p><i>Recommended Change:- NONE</i></p> <p>This wording was proposed as part of the Model draft Licensing Policy by Hampshire Fire and Rescue. It is agreed that it may be more appropriate for applicants to have regard to these matters, rather than including with their Operating Schedules copies of the documents referred to.</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

	<p><i>Recommended change</i> Amend B.3 by replacing the words “To clearly demonstrate.....included with the Operating Schedule” with the following:-</p> <p><u>“When preparing their Operating Schedule, Applicants should consider the following matters and take them into account, and make reference to them in their Operating Schedule as appropriate:-</u></p>
<p>With regard to noise control, you mention matters that applicants must address. However, this would lead to standard conditions which 3.55 of the Government’s Guidance says you are not allowed to do. If no problem is identified, there is no need to address the noise issue in the Operating Schedule. We would therefore ask that you substantially amend your section dealing with noise control.</p> <p>Noise from Regulated Entertainment - this will also cover, as already mentioned, public houses which simply wish to retain the old “two in a bar” rule. Again, in the same section on page 22, and on to 23 (Noise from Patrons and Anti Social Behaviour) you indicate that in all cases, the Council expects applicants to propose practical steps in relation to a number of matters. This is needlessly bureaucratic to require this in all cases.</p>	<p>It is not considered that the wording of the Policy would lead to standard conditions being imposed. In preparing an Operating Schedule to deal with the Public Nuisance licensing objective, applicants will have to consider the matters referred to in the Policy. They may conclude that no measures are needed, as there is little likelihood of public nuisance occurring, and if no contrary representation are received, no condition would be required or imposed.</p> <p><i>Recommended Change:- NONE</i></p> <p>Agreed that the practical steps on page 22 may not be necessary in all cases. Where there are no noise issues, or other adequate measures are proposed, there may be no need for applicants to include the measures at the top of page 22. Some additional wording to qualify the wording may therefore be appropriate:-</p> <p>Recommended changes:-</p> <p>Amend Section C page 22 (“In all cases the Council will.....covered in the operating schedule”) to read as follows:-</p>
	<p><u>“Except where there is no issue with noise, or where the applicant proposes appropriate alternative measures, the Council will expect the applicant.....”</u></p> <p>Amend Section C page 23 under Anti Social Behaviour (“Consequently in sensitive areas the Council may restrict the hours of operation, as an alternative to extensive sound and noise control measures”)to read as follows:-</p> <p><u>“Consequently in sensitive areas, and following relevant representations, the Council may restrict the hours of operation, as an alternative to extensive sound and noise control measures”</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

Recommended Response to Representation *Recommended Change*

<p>We note that you have indicated that you are imposing a special saturation policy in relation to Jewry Street and High Street. At the moment, we wish to object to such a policy because, as far as we can tell, you have not produced any evidence to justify such a policy. The production of such evidence is a requirement of the Government's Guidance. Once you have produced the evidence, you should then consult with the people listed in Section 5 (3) Licensing Act 2003.</p> <p>Would you please amend Section 2.33 so that you do not create a blanket requirement for applicants to deal with their applications differently, simply because the premises wish to operate beyond 11.00pm.</p> <p>Requests the amendment of Section 2.35 so that it commences with "If relevant representations are received and the Licensing Authority..." and remove the words "where the Council". Would you also please remove "as far as possible", "unnecessarily" and "where possible".</p>	<p>The Council has complied with paragraph 3.16 of the Guidance. It has identified evidence of problems of crime and disorder in the area, and a concern about crime and disorder and public nuisance. Accordingly, it has included a proposal in the draft Policy to adopt a special saturation (cumulative impact) policy in the final Statement of Licensing Policy when it is finally adopted. There is no requirement in the Guidance for the production of evidence, simply a requirement for the Licensing Authority to consider it. The evidence is contained in police records and representations from the Police.</p> <p><i>Recommended Change:- NONE</i></p> <p>There is more likelihood of an adverse impact on the licensing objectives where premises open later than 23.00. It is appropriate therefore to expect applicants to reflect this increased likelihood in their operating schedules.</p> <p><i>Recommended Change:- NONE</i></p> <p>It has been agreed above that 2.35 should be amended.</p> <p>Recommended Change:-</p> <p>Substitute the following for existing paragraph 2.35 (this includes the additional wording proposed following the representations from George Gale & Co. above):-</p> <p style="text-align: center;">Standardised Conditions</p> <p>2.35 <u>The Council will impose conditions to reflect applicants' Operating Schedules in all cases. Where a hearing is held following relevant representations, and</u> the Council believes it to be appropriate and necessary in order to promote any of the licensing objectives, it will consider attaching <u>further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed unnecessarily. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application. (see further Ministerial Guidance Paragraphs 7.4 and 7.5)</u>"</p>
--	--

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

Recommended Response to Representation *Recommended Change*

<p>You rightly point out in Section 3.4 that there are circumstances where a hearing may not be necessary even though an applicant for a personal licence has unspent criminal convictions. Would you therefore please amend the table in Appendix A accordingly.</p>	<p>Agreed.</p> <p>Recommended Change:- Amend under "Application for personal licence – Officers" to read:-</p> <p><u><i>If no objection made (or the applicant, Council and Police agree a hearing is not necessary).</i></u></p>
<p>Would you please delete at the end of Section 3.19 the requirement to submit risk assessments with the application. There is no legal requirement to submit the risk assessments.</p>	<p>This wording refers to submitting the operating schedule with the application, not the risk assessment. However, as it appears that the operating schedule will be included in the prescribed application forms, the paragraph could be clarified.</p> <p>Recommended Change:- Delete in paragraph 3.19 the words in brackets ("to be submitted with the application")</p>
<p>Although you are correct in 3.20 to say that you cannot consider applications which do not comply with Section 17, in the bullet points you then add your own additional requirements.</p>	<p>As required by Section 17, applicants will have to show in their operating schedules the steps they propose to promote the licensing objectives. The Licensing Policy gives guidance to the matters which applicants ought to consider when preparing their operating schedules, and where they omit appropriate measures referred to in the Policy, it is reasonable that they indicate why they have done so.</p> <p>Recommended Change:- NONE</p>
<p>We are concerned that, as worded, the section relating to sanitary accommodation on page 24 might lead applicants with older existing premises to believe that they need to carry out alterations to sanitary provision in order to bring them up to date with current standards. We do not think this subject falls within the four licensing objectives.</p>	<p>It is considered that adequate sanitary accommodation relates to the licensing objective of public nuisance, and crime and disorder. In appropriate circumstances, it may even be relevant to require such accommodation to be brought up to standard, but this could only be required where an application proposes a change to the existing activities or hours. As with any policy, it is open to an applicant to propose that the existing provision is adequate.</p> <p>Recommended Change:- NONE</p>
<p>Street furniture (Section C, Page 23)– the removal of tables and chairs at the end of an evening should not apply to beer gardens, as this would be impractical.</p>	<p>In respect of private land, the Policy asks applicants to indicate how the issues of crime and disorder, and public nuisance, will be addressed. This could be by removing the tables and chairs, or implementing other measures to prevent their use after hours. In shopping centres, the Council would normally allow the use of tables and chairs from 0800 to 2300. If it is impractical to remove these after this period, a suitable measure to prevent their use would be acceptable. The use of the word</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

.....include within your policy reference to the conversion process particularly making it clear that variations at the time of conversion..... do not require the same level of information as is necessary for a brand new application (see Government's Guidance 13.10). operating schedule in relation to the variation need only address any **additional** steps required in relation to the variation. Premises wishing to trade for an additional hour at weekends may therefore not need any additional steps.

Recommended Response to Representation *Recommended Change*

"expect" means that an alternative measure could be proposed, and no change of wording is therefore necessary.

Recommended Change:- NONE

The Guidance makes it clear that in such situations, responsible authorities and interested parties can only make representations on the variation applied for, and not the licence derived from the conversion process. It does not necessarily follow that less information needs to be provided for such applications. Applicants will have to consider what steps they wish to propose to meet the licensing objectives, and it is for applicants to decide whether any additional measures than those which are already in place will be required. This will depend on the extent and nature of the variation sought.

Recommended Change:-

Add additional wording as 3.22 as follows:-

"3.22 Applications for major variations (including combined applications submitted during the Transition Period to convert an existing licence and vary e.g. hours or activities) will need to include an operating schedule which deals with the issues relating to the licensing objectives, insofar as these are affected by the variation sought. Representations following such applications can only address the variation, and not the licence which would otherwise result from the conversion application alone.

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<u>British Beer and Pub Association</u>	
General welcome to partnership working to promote the licensing objectives	Support noted.
Concern that the policy suggests the Council has an unfettered discretion to impose conditions. These can only be imposed when representations have been made (Guidance 7.4 and 7.5). Add clear statement to this effect to paragraph 2.35.	<p>Agreed. Paragraph 2.35 should be amended to refer to these paragraphs, and make it clear that conditions which are not included in the Operating Schedule can only be imposed when a hearing is held following relevant representations.</p> <p>Recommended Change:- <i>Substitute</i> the following for existing paragraph 2.35 (this includes the additional wording proposed following the representations from George Gale & Co. above):-</p> <p style="text-align: center;">Standardised Conditions</p> <p>2.35 <u><i>The Council will impose conditions to reflect applicants' Operating Schedules in all cases. Where a hearing is held following relevant representations, and the Council believes it to be appropriate and necessary in order to promote any of the licensing objectives, it will consider attaching further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed unnecessarily. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application. (see further Ministerial Guidance Paragraphs 7.4 and 7.5)</i></u></p>
Use "Licensing Authority" throughout, to ensure consistency with the Act and Guidance, and avoid confusion when the Council exercises other statutory functions.	<p>It is considered that the term "the Council" is appropriate, although it is accepted that the terminology could be emphasised at the beginning of the document.</p> <p>Recommended change:-ADD at start of document (immediately before Part I, page 2):-</p> <p><u><i>In this statement "the Council" means Winchester City Council. The City Council is the Licensing Authority for the purposes of the Act and the associated Guidance and Regulations. Accordingly, unless otherwise stated, references to "the Council" are references to the Licensing Authority.</i></u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Paragraph 2.25 [2.35]and 3.21 – we refer you to the above paragraph as to our concern that the impression given in the policy is that the Licensing Authority will have unfettered discretion as to the imposition of conditions and restrictions and draw your attention to these two paragraphs as specific examples.</p>	<p>Paragraph 2.35 – see response above.</p> <p>Paragraph 3.21 – Agreed that this can be clarified, so make it clear that conditions other than those proposed in the operating schedule can only be imposed when relevant representations are received, and following a hearing to consider those representations.</p> <p>Recommended Change:- Amend final sentence of 3.21 to read as follows:-</p> <p><u><i>In addition, conditions reflecting the operating schedule will be imposed. Where representations are received and a hearing is held, the Council may also impose other conditions it considers necessary as a result of those relevant representations.</i></u></p>
<p>Paragraphs 2.48 to 2.50 – these paragraphs reflect existing statutory legislation and we suggest that they be removed from the policy in the interest of avoiding duplication.</p>	<p>The Council has a clear equal opportunities policy. It is entirely appropriate for the Licensing Policy to emphasise this.</p> <p>Recommended Change:- NONE</p>
<p>Paragraphs 2.18 to 2.28 –we note the adoption of a special policy in respect of the Jewry Street area. It is not certain however, that the Council has followed the consultation procedure laid out in the Guidance when such a policy is to be adopted. We draw your particular attention to paragraph 3.18 of the Guidance and recommend that if such procedure has not been followed in respect of the special policy then it should be done so if the policy is not to be open to challenge. We also recommend that the procedure is restated in paragraph 2.25.</p>	<p>In considering and approving the draft policy, the Committee agreed that there was evidence to justify the inclusion of such a policy. This evidence included police representations, evidence from hearings of licence applications, and officers' knowledge. A concern has therefore been identified, the Committee has considered whether such concern is caused by customers from licensed premises and concluded that it is, it has identified the area within which such problems are arising and the boundaries of that area, and the consultation exercise for the licensing policy expressly includes consultation on the proposed saturation area. This report will consider, in the light of the representations received following that consultation exercise consultation, whether or not to include the policy. If it is concluded that a saturation policy is appropriate, it will be published as part of the Licensing Policy. All the requirements of the Guidance, and paragraph 3.18 in particular, have therefore been met.</p> <p>Recommended Change:- NONE</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Paragraph 3.10 –we note that you stipulate a six month notice period for a TEN. This is far too long and will only discourage applications for such permissions. Such permissions are often used in conjunction with charitable fund raising events and to ask organisers to apply six months in advance is unrealistic. We suggest a figure of one month would be more appropriate, but of course this can only be a suggestion, since the mandatory requirement is ten days.</p>	<p>The policy has been misread. Paragraph 3.10 is suggesting that TENs should <u>not</u> be served more than six months in advance of the event. It is not therefore asking organisers to apply six months in advance.</p> <p>Recommended Change:- NONE</p>
<p>Paragraph 3.20 –this approach is unacceptable. The only requirement for an applicant on completing his operating schedule is to show how the licensing objectives will be met. The Licensing Authority cannot impose additional obligations relating to extraneous matters.</p>	<p>As required by Section 17, applicants will have to show in their operating schedules the steps they propose to promote the licensing objectives. The Licensing Policy gives guidance to the matters which applicants ought to consider when preparing their operating schedules, and where they omit appropriate measures referred to in the Policy, it is reasonable that they indicate why they have done so.</p> <p>Recommended Change:- NONE</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

Recommended Response to Representation *Recommended Change*

Part 4 (Licensing Policies and Matters for consideration by applicants). –the Association has serious concerns as to the content of this part of the policy. In general we consider it far too prescriptive in the measures which it states should be considered by applicants, responsible authorities and the Council on consideration of applications. This concern particularly applies to the measures laid down in appendix B. We note your statement in paragraph A.6 that under no circumstances should the measures be regarded as standard conditions to be automatically imposed in all cases but nevertheless by expecting operating schedules to include arrangements for such measures there is the risk of applicants feeling obliged to include such measures in their applications for premises where they are completely unjustified given the style of operation and nature of the premises concerned. Where such measures are volunteered then of course become conditions on the licence which would be overly burdensome. We fully accept that in some circumstances some of the measures contained in appendix B and elsewhere might be appropriate on a premises by premises basis but only after receipt of relevant representations and only to the extent necessary for the promotion of the licensing objectives.

The Policy is intended to assist applicants to put forward appropriate measures to deal with the licensing objectives. Whilst it is for applicants to propose measures, it is considered helpful that the Licensing Authority sets out in its policy the types of measures which are likely to be needed to avoid representations being made. If applicants choose not to explain in their operating schedules why they have not offered such measures, the responsible authorities are more likely to make a representation, leading to more administration for all concerned, and possibly a hearing, which could have been avoided if the applicant's reasons had been made clear in the application.

Paragraph 5.47 of the Guidance encourages applicants to seek the views of key responsible authorities before formally submitting their application. The Council's approach in including guidance to applicants in the Policy will allow applicants to have a clearer idea of the approach of the responsible authorities, and therefore minimise the burden on licensing authorities and applicants.

Whilst it is considered that the Policy is not over-prescriptive, it is considered that the additional wording proposed could be added at the start of Part 4 of the Policy, for clarification.

Recommended change:-

Add the following as a third paragraph at the start of Part 4.

“Applicants should deal in their Operating Schedule with each of the four licensing objectives, and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.

The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.”

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Paragraph B.3 and B.5 [B.4]– we have previously noted your commitment to avoid duplication with existing statutory legislation. Unfortunately paragraphs B.3 and B.5 [B.4] are examples of such duplication and we would ask that you consider their removal from the Policy as a consequence.</p>	<p>There is no paragraph B.5. It is assumed that B.4 is being referred to.</p> <p>This wording was proposed as part of the Model draft Licensing Policy by Hampshire Fire and Rescue. It is agreed that it may be more appropriate for applicants to have regard to these matters, rather than including with their Operating Schedules copies of the documents referred to.</p> <p>It is considered that the measures in paragraph B.4 are not duplication with existing statutory legislation, and it is therefore appropriate for these to remain.</p> <p>Recommended change:- Amend B.3 by replacing the words “To clearly demonstrate.....included with the Operating Schedule” with the following:-</p> <p><u>“When preparing their Operating Schedule, Applicants should consider the following matters and take them into account, and make reference to them in their Operating Schedule as appropriate:-</u></p>
<p>We also note in paragraph B.3 that you require details of occupancy numbers for premises. The BBPA cannot support the blanket imposition of occupancy capacities for all premises. We remind you that the Licensing Authority does not have powers of its own to impose a capacity limit as a condition unless volunteered by the applicant in the operating schedule or unless representations are received. At present you will be aware that public houses without the benefit of Public Entertainment Licences do not have in most cases capacity limits imposed and what is a safe limit is left to the discretion of operators based on the knowledge of their premises.</p> <p>We accept that representations may be received from the Fire Authority, for example, requesting occupancy limits in certain cases. If this is the case the issue will be addressed on a premises specific basis taking into account the nature of the activities taking place on those premises and we submit that this approach would be far more appropriate than expecting applicants to provide occupancy limits for their premises in operating schedules.</p>	<p>It is agreed that there may be premises where occupancy levels are not required. To avoid unnecessary representations being made, applicants should consider (as part of the preparation of the operating schedule) whether a control on occupancy is necessary. If they conclude it is necessary, appropriate arrangements should be proposed to limit and control occupancy of the premises.</p> <p>Recommended Change:- Amend bullet point 3 in B.3 to read as follows:-</p> <ul style="list-style-type: none"> • <u>Occupancy limits may not be necessary, depending on the individual premises and the activities carried out. Applicants should consider (as part of the preparation of the operating schedule) whether a control on occupancy is necessary. If they conclude it is necessary, appropriate arrangements should be proposed in operating schedules to limit and control occupancy of the premises.</u>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Noise Controls (page 21) – we note the noise criteria you have adopted in sub paragraph (1). We submit that it is not for the Licensing Authority to impose such criteria. We also point out that the possible requirement for an applicant to appoint a noise control consultant to carry out acoustic tests to meet the inaudibility criteria is an extremely onerous and expensive responsibility which might not be appropriate in every circumstance. The BBPA supports an approach to noise control based upon each individual premises rather than the application of what amounts to a blanket condition.</p>	<p>Noise control relates directly to the “prevention of public nuisance” licensing objective. A noise control consultant’s report may be required in appropriate circumstances, and in such cases, if an applicant does not propose acoustic testing, a representation may be received from the Environmental Health Section asking that a condition is imposed to secure this.</p> <p>Recommended Change:- NONE</p>
<p>Anti Social Behaviour (page 23)– the requirement that premises which open after 23:00 hours will be expected to have an appropriate amount of car parking readily accessible to the premises is unrealistic, especially in respect of city centre premises who might for example may only want to trade for an additional hour until 12:00 midnight. Such an expectation, which of course the Licensing Authority cannot enforce in the absence of any representations, is disproportionate and in any event clearly beyond the applicant’s control. How is he or she expected to make provision of car parking when for example there is no land or space available adjacent to the premises?</p> <p>In respect of restricting later hours of operation, the Council has no such powers in the absence of representations.</p>	<p>City Centre premises will generally have sufficient car parking which is readily accessible to their customers, given the public car parking which is provided. The Policy does not seek to require applicants to provide on-site car parking in all cases.</p> <p>The Policy is phrased in terms of an “expectation” rather than a requirement, however in the case of most premises, the majority of customers will walk, use taxis, or make use of public car parking facilities. It is therefore considered that it is not necessary to make specific reference to car parking in the Policy.</p> <p>Recommended Change:- <i>Delete Sub para (a) under Anti social Behaviour and (c) & (d) under Exceptions.</i></p>
<p>Lester Aldridge.</p> <p>2.21 Special Saturation Policy</p> <p>We should be grateful to be involved in the consultation that will need to be effected prior to the implementation of the policy.</p> <p>2.23</p> <p>“it is with some concern we note that an area has already been “earmarked”. This appears to be a pre-determination of the consultation procedure that will be required before such a policy could and should be implemented.</p>	<p>The consultation on the draft licensing policy is intended to constitute the consultation required under the Guidance.</p> <p>Evidence of problems has been identified, and the area selected on the basis of that evidence.</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>2.27 “appears only to allow comment to be made on additional areas rather than implementation of the policy in respect of High Street and Jewry Street. It would appear that such a pre-determined policy may not be lawful.</p>	<p>The introduction to the draft makes it clear that comments on the adoption of the proposed policy for this area are sought. In addition, the introduction also makes it clear that comments are also sought as to whether there are any other areas should be considered for such a policy.</p> <p><i>Recommended Change:- NONE</i></p>
<p>2.25 Wording in Government guidance is followed. This fails to take account of the Council’s laudable stance in other parts of the policy which will require formal evidence before they can act. Remove “serious concerns” at first bullet point and “demonstrated” at the second bullet point and substitute with wording to the effect that evidence has been received.</p>	<p>It is considered that the Guidance should be followed. The draft Policy calls for “serious concern” to be identified before a saturation policy can be adopted, although refers merely to “concern”. However, it is felt that the inclusion of the word “serious” is more appropriate.</p> <p>The Guidance also uses the term “demonstrated” and evidence will be needed if that requirement is to be fulfilled. It is therefore considered that a reference to evidence being received is unnecessary.</p> <p><i>Recommended Change:- NONE</i></p>
<p>2.33 “Base times”. It is accepted that in residential areas the times proposed may be appropriate as base times. They do however appear to be inappropriate for the City centre and we should be grateful if you could advise if these times are to be regarded as “base times” for the City centre.</p>	<p>This part of the Policy recognises that in general, activities carried out within the current permitted hours will not cause problems to the licensing objectives. It does not however detract from the general principle that applicants must consider the impact of their activities (whatever the hours of operation) on the licensing objectives, and (where they identify an impact) propose measures to deal with such impacts.</p> <p><i>Recommended Change:- NONE</i></p>
<p>2.44 We refer to the last paragraph and will respectfully assume that the council will ensure full independence by the enforcement officers from those dealing with licensing issues.</p>	<p>Officers engaged on enforcement work will continue to act fairly. There is no requirement for officers to be limited to either enforcement or administration work.</p> <p><i>Recommended Change:- NONE</i></p>
<p>Part 4 Section A. Personal Licence Holder on duty during opening hours. We were not aware that this was envisaged by the Licensing Act and would be grateful for your reasoning for consideration of this requirement. As it is not envisaged by the statute it should be deleted.</p>	<p>This is a suggestion not a requirement. In appropriate circumstances it may desirable for a PLH to be present on the premises when open for the sale of alcohol. This may be appropriate for premises where attempts at underaged drinking could occur.</p> <p><i>Recommended Change:- NONE</i></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Section B Public Safety B1 B4</p> <p>The generality of this clause should not be regarded as duplicating existing requirements which both this policy and Government guidance expresses should be specifically avoided. To this end, those items mentioned in the bullet pointed sections of this paragraph appear to be direct duplications of existing statutory or regulatory requirements and should be deleted.</p> <p>The same applies to the majority of the bullet pointed paragraphs at B4.</p>	<p>This wording was proposed as part of the Model draft Licensing Policy by Hampshire Fire and Rescue. It is agreed that it may be more appropriate for applicants to have regard to these matters, rather than including with their Operating Schedules copies of the documents referred to.</p> <p>It is considered that the measures in paragraph B.4 are not duplication with existing statutory legislation, and it is therefore appropriate for these to remain.</p> <p>Recommended change:- NONE</p>
<p>Anti Social Behaviour</p> <p>The reference to the appropriate amount of car parking appears to be in direct contradiction to PPG and Government guidance for planners in respect of the use of premises of this nature in City centres such as this. This reference should be excluded.</p>	<p>City Centre premises will generally have sufficient car parking which is readily accessible to their customers, given the public car parking which is provided. The Policy does not seek to require applicants to provide on-site car parking in all cases.</p> <p>The Policy is phrased in terms of an “expectation” rather than a requirement, however in the case of most premises, the majority of customers will walk, use taxis, or make use of public car parking facilities. It is therefore considered that it is not necessary to make specific reference to car parking in the Policy.</p> <p>Recommended Change:- Delete Sub para (a) under Anti social Behaviour and (c) & (d) under Exceptions.</p>
<p>Street furniture Page 24</p> <p>We refer to the penultimate paragraph with regard to loudspeakers. There will be some public houses which will be in a more rural style of area and have beer gardens. These often have tannoys or loudspeakers to announce food orders for collection. This would be more than a specific event should be allowed for to ensure proper operation can continue.</p>	<p>Agreed</p> <p>Recommended change:- <u>Insert “or the announcement of food orders” after “for a specific event”.</u></p>
<p>Section D Additional Controls</p> <p>Once again it is noted that wording used in Government guidance has been followed and we would respectfully submit that the words “known association” should be deleted and wording to show that evidence has been produced and accepted is substituted. The applicant should, of course, in all cases, be given an opportunity to comment before such evidence is accepted.</p>	<p>As noted the wording is in accordance with the Government Guidance and no change is necessary.</p> <p>Addition controls could only be applied when a representation had been made and this would be tested at a hearing when the applicant would have opportunity to comment on the strength or otherwise of the information.</p> <p>Recommended change:- NONE</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Appendix B Prevention of Crime and Disorder</p> <p>Bottle Bans etc. It is understood that following national research, there is no evidence that such a bottle ban would assist. In these circumstances the policy should be deleted in its entirety.</p>	<p>Government guidance suggests that this is a matter to be considered by applicants.</p> <p><u>Recommended change:- NONE</u></p>
<p>Appendix C Public Safety Additional Measures</p> <ol style="list-style-type: none"> 1. Disabled persons should be interested to note what additional measures over and above the DDA are felt to be necessary. 2. Escape routes – this appears to be a duplication H&S and Fire legislation and regulations and should be deleted. 3. Safety checks. “We should be interested to learn when existing legislation does not provide adequately for the safety of the public.” It is our view this should be deleted. 6. Fire Action Notices As 3 above, delete. 7. Outbreaks of Fire 10. First Aid As above having regard to the H&S legislation and regulations. 11. Lighting As above having regard to the fire precaution legislation and regulations. 	<p>The Disability Discrimination Act deals with access as opposed to Public Safety.</p> <p>This appendix is intended to guide operators as to the types of issues they should be considering. As it expressly refers to situations where existing legislation does not adequately provide for public safety it cannot be duplication.</p> <p><u>Recommended change:- NONE</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Appendix E Protection of Children Age Restrictions Specific</p> <p>"We refer to the last bulleted paragraph and are unable to identify the "activities outlined above."</p>	<p>Agreed</p> <p><u>Recommended change:-</u> <u>Delete Bullet point_</u>"activities outlined above." (Page 43)</p>
<p>Winchester City Residents Association</p> <p>Alcohol Exclusion Order</p> <p>The Association fully supports.....</p> <p>Saturation Policy</p> <p>The Association fully supports..... Should be extended to St John's Street to embrace the Broadway and Bridge Street.</p>	<p>No evidence has been provided to support thre extension of the saturation area.</p> <p><u>Recommended change:- NONE</u></p>
<p>Health Promotion Service Highcroft</p> <p>Omissions Provisions for protecting the public, including children, from exposure to second hand smoke should be included.</p> <p>Section B add "There is a significant risk to public safety from exposure to second hand smoke."</p> <p>B4 Add: Adequate measures to prevent sale... tobacco... under 16.</p> <p>Protect staff .. passive smoking.</p> <p>Smoke free areas. Smoke free dining areas.</p>	<p>Public Health is not one of the four Licensing Objectives. Government Guidance is firmly of the view that health bans are not appropriate.</p> <p>It may be possible to include in the Policy wording which encourages operators to consider the implications of smoking in their premises (as pointed out by the Health Promotion Service), and suggested wording is discussed in the response to Cllr Lipscomb below.</p> <p>This is considered to be covered by other legislation and not needed for the Licensing Objectives.</p> <p><u>Recommended Change:- NONE</u></p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation. *Change sought.*

Recommended Response to Representation *Recommended Change*

<p>Part 4. A2. ... unlawful to sell tobacco ..under 16.</p> <p>Section 15 Smoking banned in auditoriums.</p> <p>2.13 Include Winchester Drug and Alcohol Reference Group action plan.</p> <p>Designated smoke free areas as criteria for granting.</p> <p>Saturation Policy Could cause premises in zone to become overcrowded.. cause crime and disorder and nuisance.</p> <p>Sensible drinking guidelines and Drinks promotions. Encourage display of guidelines and support restriction of promotions.</p>	<p>This is considered to be covered by other legislation and not needed for the Licensing Objectives.</p> <p>Smoking Bans are not considered appropriate for the reasons set out above.</p> <p>Agreed</p> <p>Recommended change:- Add reference to Winchester Drug and Alcohol Reference Group action plan to list in 2.13</p> <p>This is not considered to be a criterion which can be used.</p> <p>Recommended Change:- NONE</p> <p>It is not considered that the saturation policy would have such an effect.</p> <p>Recommended Change:- NONE</p> <p>The Policy makes appropriate reference to drinks promotions.</p> <p>Recommended Change:- NONE</p>
--	---

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Cllr B Lipscomb</p> <p>Public Safety</p> <p>In considering responses to the public consultation, I should be grateful if Members of L&R would consider inserting at the appropriate place(s) in their policy some form of words to ensure a healthy environment through an absence of smoking and the effects of passive smoking in licensed premises.</p> <p>The following might be an appropriate form of words:-</p> <p>"The Council notes the strong arguments in favour of controlling or banning smoking in public places and further notes calls for national legislation on the issue. Although it accepts that, being a health issue, smoking has a marginal impact on the licensing objectives and it cannot therefore <i>impose</i> conditions on premises licences to control or ban smoking, the Council does nevertheless <i>strongly</i> encourage operators to consider the Public Places Charter on Smoking [insert web link] and review their policies on smoking in the light of the Charter and public concern on the effects of smoking. In pursuance of this, under the Public Safety licensing objective, the Council will <i>require</i> applicants to show that they have done this when applying for the issue or renewal of licences."</p> <p>As an alternative, which I should prefer, I would propose the following:-</p> <p>"The Council notes the strong arguments in favour of controlling or banning smoking in public places and further notes calls for national legislation on the issue. Pursuant to the Public Safety licensing objective, the Council will <i>require</i> applicants to show that they have considered the Public Places Charter on Smoking [insert web link] and reviewed their policies on smoking in the light of the Charter and public concern on the effects of smoking. The Council strongly encourages operators to provide a tobacco smoke-free environment throughout their public premises"</p>	<p>It is debatable whether this comes within the Public Safety objective. However, it is considered that it would be possible to include in the Policy words to encourage operators to consider smoking issues in the premises.</p> <p>Appropriate wording (based on, but differing slightly from, the second version) is set out below.</p> <p>Recommended Change:- ADD new 1.11 as follows:-</p> <p><u>1.11 "The Council notes the strong arguments in favour of controlling or banning smoking in public places and further notes calls for national legislation on the issue. Applicants are strongly encouraged to consider the Public Places Charter on Smoking [insert web link] and review their policies on smoking in the light of the Charter and public concern on the effects of smoking. The Council strongly encourages operators to provide a tobacco smoke-free environment throughout their public premises"</u></p>
--	--

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Tim Hoare St James Tavern</p> <p>Many of the conditions you are suggesting are not practical especially where regulated entertainment is involved. Many pubs make use of extensions, do not have CCTV, no door staff, would make it uneconomic, change the character of the "Local".</p> <p>Page 24 Sanitary Accommodation.</p> <p>"It is not inadequate sanitary accommodation that is the problem, it is a cultural problem. People urinating near my pub are not my customers."</p> <p>Page 18 Make reference to BIIAB National Cert for Licensees (Drug Awareness).</p>	<p>Applicants for new licences, or who wish to vary existing/converted licences, will have to consider the four licensing objectives and make suitable proposals in their operating schedules. Operators converting without changing their activities will be able to continue under their existing conditions. It is not considered that the Policy is impractical.</p> <p>Recommended change:- NONE</p> <p>It is considered that adequate sanitary accommodation will assist to deal with the problems of urinating in the street.</p> <p>Recommended change:-NONE</p> <p>This is a qualification for licence holders. One way of demonstrating awareness would be to obtain such a qualification.</p> <p>Recommended change:- ADD reference to BIIAB National Cert for Licensees (Drug Awareness) as a way of demonstrating an awareness of drug issues.</p>
<p>A few reservations about saturation policy, agree with policy but rather long winded!</p>	<p>Noted.</p> <p>Recommended change:-NONE</p>
<p>St Thomas Street Residents' Association</p> <p>Concerned about noise and nuisance.</p> <p>Welcome proposals for monitoring premises; codes of practice, consideration of impact of opening hours on policing and public order, CCTV, drug controls, time restrictions on admissions, stricter noise controls.</p> <p>Supports the saturation policy.</p>	<p>Support noted.</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Issue licences to premises that encourage social atmosphere rather than binge drinking!</p>	<p>It would not be lawful to issue licences on this basis, as it falls outside the four licensing objectives. <i>Recommended change:-NONE</i></p>
<p>Strict enforcement.</p>	<p>Enforcement levels will be dependant on the levels of fee income, which will be set by the centrally-determined fees.</p>
<p>Chesil Theatre</p> <p>Protection of Children</p> <p>All these matters seem to duplicate considerations which are appropriately under the purview of the regulations and administered by the LEA.</p>	<p>Protection of Children in all situations is a licensing objective. It is not considered that the suggested measures duplicate existing regulations. In particular cases, it is open to applicants to indicate that they have not proposed measures, on the basis that the requirements are already covered by legislation.</p> <p><i>Recommended change:-NONE</i></p>
<p>Upham Parish Council</p> <p>Does not think it appropriate to relax hours. Would not guarantee reducing bad behaviour.</p>	<p>Representation noted.</p> <p><i>Recommended change:-NONE</i></p>
<p>Wonston Parish Council</p> <p>Fully supportive.</p>	<p>Support noted</p>

Winchester City Council Licensing Policy 2004

Analysis of Representations on draft Policy

Summary of Representation.
Change sought.

Recommended Response to Representation
Recommended Change

<p>Ms P Baker 9 Boscobel Road</p> <p>2.4 Winchester Residents Association should be included in consultation.</p> <p>2.23 & 2.27 Upper High Street should be included.</p>	<p>As indicated under the Denmead Parish Council representation, sufficient copies of the application will be sent to the Council for internal consultation, but there is no requirement for addition "spare" copies to be submitted.</p> <p>Applications will have to be advertised in accordance with statutory requirements. Residents' Associations will be able to make representations on applications, and seek reviews of licences.</p> <p>It is planned to issue weekly lists of applications which are submitted to the Council. It is hoped that this can include a summary of the hours sought, and activities proposed. These will be posted on the Council's website.</p> <p><i>Recommended Change:- NONE</i></p> <p>No evidence has been produced to indicate that this area is one where the requisite problems exist. It is not therefore considered appropriate to include Upper High Street in the area.</p> <p><i>Recommended Change:- NONE</i></p>
---	--