

Nottingham City Council

Responses to consultation on Statement of Licensing Policy

Chapter 1 – Background and Context

No Comments

Chapter 2 – Licensing Objectives

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority’s Response with regard to Statement of Policy
4	John Miley NALG	2.6 – 2.19	Information could be better placed in separate guidance document and could include a more focussed section	Agreed this could be an alternative approach however the existing draft does not breach legislation and guidance	No amendments necessary

Chapter 3 – How this Policy works

No Comments

Chapter 4 – Strategic links and other regulatory regimes

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority’s Response with regard to Statement of Policy
4	John Miley NALG	4.3	Need to reflect the impartiality of the Licensing Authority	Agreed	Amendment made

Chapter 5 – Delivering Licensing Services

No Comments

Chapter 6 – Applications, notifications and their considerations

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
2	CAMRA	6.29 Policy 3	<p>Whilst Nottingham CAMRA appreciates the need to ensure that control on licensed premises is exerted they feel that the presumption that licenses will not be granted should be modified so that where a license is requested for a small to medium size pub whose aim is to sell cask ales and/or food that the onus should be on the authorities to show why a license should not be granted as opposed to the assumption that it will not be granted.</p> <p>'Community' style pubs should be encouraged as opposed to vertical drinking establishments.</p>	<p>Each application remains to be dealt with on its own merits. Responsible Authorities should only make representations on the grounds of cumulative impact if they think it necessary and not as an automatic response to applications within the Saturation Zone.</p>	No amendment necessary
2	CAMRA	6.35 Policy 4	<p>There is considerable concern that efforts are being made to force licensed premises into using poly carbonate glasses. Whilst it is appreciated that in some venues this may be required, particularly late at night, the presumption should always be that community pubs selling cask ales would be allowed to use glass.</p> <p>Risk assessments should be used to differentiate between licensed venues, rather than assume that</p>	<p>The Policy does not contain any requirements imposing the use of poly carbonated vessels although the use of alternatives to glass are suggested as potential means of promoting the Licensing Objectives in Appendix A . The Licensing Authority retains the power to impose conditions which are necessary and proportionate (including conditions which prohibit the use of glass) if representations or reviews are received to that effect</p>	No amendment necessary

			poly carbon glasses resolves the perceived problem of glassing.		
4	John Miley NALG	6.51	Comments regarding TEN legislation and conditions	Policy is consistent with this comment	No amendment necessary

Chapter 7 – Children

No Comments

Chapter 8 – Equality & Diversity

No Comments

Chapter 9 – General Enforcement Statement

No Comments

Chapter 10 – Monitoring & Review

No Comments

Appendix A – Licensing Policies

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
4	John Miley NALG	2.6 – 2.19	Information could be better placed in separate guidance document and could include a more focussed section	Agreed this could be an alternative approach however the existing draft does not breach legislation and guidance	No amendments necessary

Appendix B – Map of City Centre saturation zone

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
5	Fraser Brown	Appendix C		In assessing this representation (which is more fully referred to in the section on Appendix C below) it was noted that the Map of the Saturation Zone contained within the Consultation Draft Policy was incorrect	Map has been replaced with that referred to in the Statement of Inspector Townsend in support of the Saturation Policy

Appendix C – Evidence in support of the city centre saturation zone & saturation policy

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
5	Fraser Brown	Appendix C	Concern regarding lack of evidence to support Cumulative Impact Policy	Cumulative Impact is not a statutory concept. Whilst regard must be had to Guidance issued under S182 of the Licensing Act 2003 when preparing the policy, failure to comply with such guidance does not in itself make the policy unlawful. The police have had the opportunity of commenting on this representation and maintain that the policy and defined saturation zone are still necessary and appropriate. It is not accepted that the evidence provided is insufficient to maintain a lawful policy or that the Policy is not compliant with the S 182 Guidance.	No amendment necessary

General Comments

Ref No.	Name of Respondent	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
1	Association of Convenient Stores		General response which does not relate directly to the Policy.	Comments are relative to other initiatives being proposed by the Council and will be referred accordingly.	No amendments necessary
3	BBPA		Generalised response which does not relate to the Policy	The approaches suggested are reflected in the current policy	No amendments necessary