

Nottingham City CouncilResponses to consultation on Statement of Licensing Policy (2013)

## Chapter 1 – Introduction

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	Jo Cox-Brown Malt Cross Trust.	Para 1.8	Request that reference to 'residents expectations that their sleep will not be unduly disturbed between the hours of 23:00 & 07:00' be limited to new applications only	Each application is dealt with on its merits and a determination made accordingly.	It is however appropriate to refer to residents expectations for undisturbed sleep and this has been referenced at 1.8
4	Nottingham City Council Planning & Transport	Para 1.2	Additional wording requested	Agreed	Amendment made
4	Nottingham City Council Planning & Transport	Para 1.7	Additional wording requested	Agreed – additional paragraph added at 3.2 as this was felt to be the more appropriate location	Amendments made

## Chapter 2 – Licensing Objectives &amp; Licensable Activities

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	Jo Cox-Brown Malt Cross Trust.	Para 2.19	More should be done to limit access to pubs by children except for meals	Each application is dealt with on its merits and a determination made accordingly. The current wording reflects paragraphs 13.48-50 of the S182 Guidance	No amendment necessary

## **Chapter 3 – Strategic Links & Other Regulatory Regimes**

4	Nottingham City Council Planning & Transport	3.2	Additional wording requested	Agreed	Amendments made. New paragraph 3.2 added and remaining paragraphs renumbered
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## **Chapter 4 – Delivering Licensing Services**

**No comments**

## **Chapter 5 – How this Policy Works**

**No comments**

## **Chapter 6 – Applications, notifications and their considerations**

<b>Ref No.</b>	<b>Name of Respondent</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
2	Jo Cox-Brown Malt Cross Trust.	6.22	Suggestion regarding how to reduce fallout from premises prior to closing	Each application is dealt with on its merits and a determination made accordingly. The paragraph is not prescriptive but highlights a matter for applicants to consider.	No amendment necessary
2	Jo Cox-Brown Malt Cross Trust.	6.35	Restriction of number of off-licences and addition of conditions	Each application is dealt with on its merits and a determination made accordingly. The Saturation Policies address issues of Cumulative impact. Some of the conditions suggested are not legally permissible. Restrictions on manufacturers are not within the remit of the Licensing Regime	No amendment necessary
2	Jo Cox-Brown	6.47	Request for mandatory imposition	Each application is dealt with on its	No amendment necessary

	Malt Cross Trust.		of age policy for persons working in premises providing adult entertainment	merits and a determination made accordingly. The current drafting reflects the S182 Guidance and conditions can only be imposed where appropriate and related to the Licensing Objectives. For premises which provide adult entertainment on a regular basis and which will also require a sexual entertainment venue licence this issue will in any event be covered by the standard conditions of that licence	
4	Nottingham City Council Planning & Transport	6.18	Request for additional wording	City Centre Time & Place Plan referenced at 3.2 however it is not itself a planning control and so the suggested amendment is inappropriate	No amendment necessary
4	Nottingham City Council Planning & Transport	6.19	Request for additional wording referencing City Centre Time & Place plan	City Centre Time & Place Plan referenced at 3.2. This Policy relates to considerations in so far as they may affect the promotion of the licensing objectives and the nature of the area is already covered	No amendment necessary
4	Nottingham City Council Planning & Transport	6.32 - 6.33	Request for amendment to City Centre Saturation Zone	At this stage no evidence has been provided to support the amendments requested to the Saturation Policy however it is recognised that some types and styles of premises can have a lesser impact than others.	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate. Some amendments have however been made to Appendix C – see further below.

6	Land Securities	6.33	Opposition to retention of Saturation Policy on the basis that there is insufficient evidence to justify the need for the Policy to continue and the Policy's retention could deter future investment creating more social and economic problems	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 necessarily 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 made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
7	Nottingham Business Improvement District	6.33	Opposition of retention of Saturation Zone on the basis that there is insufficient up to date evidence to justify the need for the Policy to continue and the Policy's retention could deter future investment	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 necessarily 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 made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
8	British Beer & Pub Association	6.33	Opposition of retention of Saturation Zone and query whether in reality it is having any effect	Noted but retention of the policy is still felt to be appropriate	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further

					work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
9	James Anderson	<u>6.33</u>	Queries the Authority's ethos and behind the Policy and perceived lack of public engagement on it rather than a view on whether the Policy should be retained or not	Noted	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
4	Nottingham City Council Planning & Transport	6.36	Request for additional paragraph	At this stage no evidence has been provided to support the amendments requested to the Saturation Policy however it is recognised that some types and styles of premises can have a lesser impact than others.	Amendments have been made to Appendix C
5	Anne Partington, Safeguarding Children Board	6.51	Request for additional information to be included	Additional wording included	Amendments made

## Chapter 7 - General Enforcement Statement

**No comments**

## Chapter 8 – Monitoring & Review

**No comments**

## Appendix A – Promoting the Licensing Objectives

<b>Ref No.</b>	<b>Name of Respondent</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
2	Jo Cox-Brown Malt Cross Trust	Page 7 Point 3	Request for re-wording	Appendix A is clear that it is providing guidance and suggestions for applicants to consider. It is not intended to be prescriptive. Each application will need to be considered on its own merits and these suggestions may not always be appropriate	No amendments necessary
2	Jo Cox-Brown Malt Cross Trust.	Page 7 Point 4	Request for re-wording	Appendix A is clear that it is providing guidance and suggestions for applicants to consider. It is not intended to be prescriptive. Each application will need to be considered on its own merits and these suggestions may not always be appropriate	No amendments necessary
2	Jo Cox-Brown Malt Cross Trust.	Pages 7/8 Point 5	Request for re-wording	Appendix A merely provides guidance and suggestions for applicants to consider. It is not intended to be prescriptive	No amendments necessary
8	British Beer & Pub Association	Prevention of Public nuisance	Concern regarding effect of commitment by applicants to ABV of 5.6 and voluntary code	Each application is dealt with on its own merits and determined accordingly. Compliance with the voluntary code is not a requirement of the Licensing Policy	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
4	Nottingham City Council Planning & Transport		Request for amendment to City Centre Saturation Zone boundaries	At this stage no evidence has been provided to support the amendments requested to the Saturation Policy however it is recognised that some types and styles of premises can have a lesser impact than others.	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.

## 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
2	Jo Cox-Brown Malt Cross Trust	Page 5	Amend wording regarding of the provision of Street Pastors	Agreed	Amendments made
2	Jo Cox-Brown Malt Cross Trust	Page 7	Request for more public transport & better signage for toilets	Request is outside the scope of this policy	No amendments necessary
2	Jo Cox-Brown Malt Cross Trust	Page 9	Comments on irresponsible establishments and enforcement	Enforcement is monitored by each of the Responsible Authorities. If evidence exists of the licensing objectives being undermined then the Licensing Authority would expect a review application to be submitted.	No amendments necessary
4	Nottingham City Council Planning & Transport	Page 6	Request for additional paragraphs under planning and transport	Agreed	Amendments made
6	Land Securities	All	Opposition of retention of	Cumulative Impact is not a statutory	No amendment made to

			Saturation Zone	<p>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.</p> <p>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.</p> <p>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</p>	Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
7	Nottingham Business Improvement District	All	Opposition of retention of Saturation Zone	<p>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.</p> <p>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.</p> <p>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</p>	No amendments necessary but title to appendix C has been amended to make it clear it summarises the evidence in support of the Policy
8	British Beer & Pub Association	All	Opposition of retention of Saturation Zone	<p>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</p>	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation 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	such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.
9	James Anderson	All	retention of Saturation Zone	This response is more about the Authority's ethos behind the Policy and public engagement on it rather than a view on whether the Policy should be retained or not	No amendment made to Saturation Policy or boundaries at the moment. It is proposed that further work be done in relation to such issues in 2014 and a further review of this part of the policy may be carried out as a result of that work if appropriate.

#### **Appendix D – Map of Berridge, Arboretum & Radford saturation zone**

**No Comments**

#### **Appendix E – Evidence in support of Berridge, Arboretum & Radford saturation zone**

**No comments**

## General Comments

<b>Ref No.</b>	<b>Name of Respondent</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
1	H&S Executive	---	No comments	Noted	none
3	Dan Carver	All	By and large the consensus within the industry, businesses and residents is that they agree with the Policy. Saturation Policy does not inhibit growth and the Policy will encourage redevelopment and assist in the long term recovery of the local economy	Noted	No amendments necessary
5	Nottingham City Safeguarding Children Board	All	Comments relative to safeguarding in general	Some amendments have been made in relation to paragraph 6.51 as identified above. However a majority of the other comments were in relation to processes which are prescribed and cannot be changed by the Licensing Authority or related to safeguarding adults. The licensing objective relates to the protection of children and therefore these issues are not relevant unless they can be linked to other licensing objectives.	Amendments made to 6.51 but other than that no amendments necessary.