

Jessica Moores

From: [REDACTED]
Sent: 29 June 2018 08:15
To: Licensing
Subject: Consultation

Categories: Jess

Good Morning

I have looked at this and being a member of the public and not involved in any licensing my comment is that the protection of children is to be commended. I feel that a lot of the information would be of interest to the general public. Perhaps you should drip feed the information through the press at regular intervals so that we all become aware of the responsibilities of licence holders.

Many thanks

[REDACTED]

Jessica Moores

From: [REDACTED]
Sent: 16 July 2018 09:57
To: Licensing
Subject: Shropshire Council seeks views on Statement of Licensing Policy 2019-2024
Categories: Jess

In response:

Page 18 UK Border Agency (currently Boarder).

Page 27 Liquor (currently liqueur)?

Page 27 Confectionery (currently confectionary).

I found the document comprehensive and concise and yet comprehensible, omitting jargon and easy to read.

One suggestion would be to prepare flowcharts [Appendix] - there are a lot of actions to be taken to effect various licences and a first time applicant may find it easier to follow a flowchart as to what is required.

[REDACTED]
[REDACTED]

Jessica Moores

From: [REDACTED]
Sent: 17 July 2018 23:13
To: Licensing
Subject: Consultation on Statement of Licensing Policy 2019-2024

Dear Sirs

The Parish Council has considered the above Consultation and requests that you note that it has no comment to make.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Jessica Moores

From: [REDACTED]
Sent: 18 July 2018 14:41
To: Licensing
Subject: Consultation Licensing Policy

Categories: Sam

Sirs,

One initial comment I would like to make is that many pubs are blamed for turning out drunken youngsters. The public see drunken youngsters leaving pubs, but are not aware that many of these youngsters have drunk much cheap alcohol at home before going into town and are often well imbibed before they try and get a drink in a pub - the pub getting the blame for encouraging youngsters to drink and causing the problem.

Perhaps the supermarkets should raise the prices of their cheap beers and ciders.

[REDACTED]

Jessica Moores

From: [REDACTED]
Sent: 30 July 2018 21:07
To: Licensing
Subject: Review of Licensing Regulations

Categories: Jess

Dear Jessica Moores

Re consultation on licensing regulations

As presented at present this is unrealistic. How can Village Hall Committees be expected to comment on over 100 pages of technically worded detail? Surely it must be possible to produce a digest to assist understanding, leading to responses.

[REDACTED]

Jessica Moores

From: Jessica Moores on behalf of Licensing
Sent: 01 August 2018 15:44
To: [REDACTED]
Subject: RE: Review of Licensing Regulations

Dear [REDACTED]

Thank you for your email regarding the Council's draft Statement of Licensing Policy 2019 – 2024.

It is a legal requirement of the Council (under Part 2 Section 5 of the Licensing Act 2003) to consult on the full draft policy document.

We appreciate that the document is long and does go into technical details. It is important though that the policy explains in detail how the Council expects applications to be made, how licence and notice holders are expected to operate under their authorisations and what the consequences are if this doesn't happen.

We must have consulted on the full document in order to be sure that the responses we are receiving have given full consideration to the whole document and the detail within it, ensuring that the approach the Council proposes is appropriate.

For the above reasons it would not be suitable to produce a digest or overview for consultation. When the policy is adopted and published an executive summary will be added at the beginning.

Kind regards

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

☎ 0345 678 9026
✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk
📍 Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: [REDACTED]
Sent: 30 July 2018 21:07
To: Licensing <licensing@shropshire.gov.uk>
Subject: Review of Licensing Regulations

Dear Jessica Moores

Re consultation on licensing regulations

As presented at present this is unrealistic. How can Village Hall Committees be expected to comment on over 100 pages of technically worded detail? Surely it must be possible to produce a digest to assist understanding, leading to responses.

[REDACTED]

Kate Roberts

From: [REDACTED]
Sent: 24 August 2018 10:15
To: Licensing
Subject: Response to Consultation on Licensing Policy

Dear sir/ Madam,

Comments on Guidance

In commenting on the relevant section of the draft guidance I would concur with the advice given in relation to Opening Hours. The information contained within this document is correct and in line with the advice provided by the Planning Service. The Planning Service regularly liaise with licensing in order to ensure that premises are operating with the correct hours as defined by their license, planning permission or both. I would reiterate that any premises failing to comply with the appropriate operating hours as defined by a planning permission would be at risk of enforcement proceeding which the Licensing Team will be consulted upon and informed of.

While applicants may seek to remove or vary existing opening hours restrictions on their planning permission, having the relevant license in place does not guarantee that planning will agree and consider these hours appropriate – planning will advise if they consider alternate hours to those applied for on the license to be appropriate. Planning consider the implication of restricted opening hours against a number of factors including, but not limited to the impact on neighbouring residential amenity, neighbouring uses and the proposed use of the premises. As a result it is strongly advised that planning permission is obtained in the first instance.

Comments on Licensing Policy

The information contained within this document is correct and in line with the advice provided by the Planning Service. Planning concur with the information contained within the draft policy and will at every appropriate opportunity support the Licensing Service in implementing this policy together with consulting upon submitted licensing applications together with enforcement protocols should they be necessary.

While it is acknowledged that licensing and planning are separate regimes and decisions are made independently, information will be passed between the two teams regularly to ensure all premises and applicants are in compliance with the appropriate legislation. I would reiterate that due to the differences between the regime it is strongly advised that the correct planning permission is in place in the first instance. When consulted upon a licensing application as a responsible authority, the Planning Service will provide information on the existing planning permissions, restrictions and enforcement proceedings on site. Should it be considered that the licensable activity proposed on site would detrimentally affect something which planning would later consider under a planning application (to regularise an existing permission or obtain the appropriate permission), we will comment/object to the license being issued while providing the relevant information to the applicant on how to sufficiently address the planning considerations in the first instance so that the corresponding license can be issued in turn.

I would also highlight that when applying for TENs applicants should be aware that unless express planning permission has been obtained on site there are limits on the number of events each premises/landholding can host within a given time period and as such obtaining a TEN does not necessarily imply that the event/use of land proposed is acceptable in planning terms. Applicants should check this prior to applying for a TEN in the early stages of planning an event.

Should any applicant for a License have any queries regarding the planning permission on their premises/land including existing restrictions in place (opening hours etc.) they should contact the planning department. Alternatively if their premises does not currently have planning permission for their desired use and they would like to seek advice as to the likelihood of this planning permission being granted they may utilise our pre-application service or submit a planning application.

Kind Regards,

Jessica Moores

From: Gina Wilding <townclerk@ludlow.gov.uk>
Sent: 28 August 2018 15:46
To: Licensing
Subject: Shropshire Council Statement of Licensing Policy 2019-2024

Categories: Jess

Hello,

Please find Ludlow Town Council's response to Shropshire Council's Statement of Licensing Policy 2019-2024 below:

Representational Committee

RESOLVED (unanimous)
GG/DL

To welcome and commended the statement of licensing policy and the procedures as good implementation of the legislation that actively requires applicants to provide adequate and detailed information to enable sound licencing decisions.

Kind regards,
Gina

Gina Wilding BA (Hons)
Town Clerk

Ludlow Town Council
01584 871 970

www.ludlow.gov.uk



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Kate Roberts

From: [REDACTED]
Sent: 02 September 2018 12:28
To: Licensing
Cc: [REDACTED]
Subject: Environmental Protection comments on Premises License consultation
Attachments: Environmental Protection comments on Licensing Policy.docx

Good afternoon,

Please find attached comments from Environmental Protection on the Licensing Act 2003 Proposed Statement of Licensing Policy 2019 – 2024.

Kind Regards,

[REDACTED]

Public Protection Officer
Regulatory Services
Public Health
Shropshire Council

Tel: [REDACTED]

Email: [REDACTED]

Postal address: Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Environmental Protection comments on Shropshire Council's Licensing Act 2003 Proposed Statement of Licensing Policy 2019 – 2024

Environmental Protection's role

1. The consultation documents have been considered by Shropshire Council's Environmental Protection team. Environmental Protection are the Responsible Authority focussing primarily on the Licensing Objective Prevention of Public Nuisance. In doing so premises license applications, variations, and Temporary Event Notices are reviewed and comments made where it is considered necessary to prevent public nuisance.
2. In addition to reviewing applications Environmental Protection investigate complaints of public nuisance and take appropriate and necessary actions based on the outcomes of any investigation. Action may involve informal actions and advice through to formal action including bringing forward premises license reviews or prosecution for the breach of premises license conditions.
3. Other formal actions can involve action outside of the Licensing Act 2003 as amended provisions such as serving notices under the provisions of the Environmental Protection Act 1990 in relation to statutory nuisance however this falls outside of the reach of this consultation document.
4. Environmental Protection provide comments on planning applications which, as noted in the consultation document is a separate regime to the Licensing Regime. It is likely that Environmental Protection will have comments on both regimes where a new licensed premise comes forward. Each regime is designed to achieve acceptable development/business activity to differing degrees although both in part considering the impact of the business on the locality. For example, the planning system focuses amongst other things on the impact on residential amenity of any land proposed while the licensing regime considers the impact of a licensed premises and its likelihood of creating a public nuisance. As these regimes have differing objectives it stands that they may require different conditions to ensure that the impact from a premises is considered reasonable. Environmental Protection consider this and the differences between the two regimes and comment on applications in a joined up fashion to ensure that between the two regimes suitable, appropriate and necessary controls are in place allowing a business to have a clear notion of how they must operate. Generally physical attributes of a premises will be considered at the planning stage while management aspects will be considered through the licensing process.
5. It is in capacity as a responsible authority for the licensing objective prevention of public nuisance that Environmental Protection has reviewed the consultation documents and provides comment.

General commentary

6. The consultation document is considered to be a significant betterment on the past policy adding clarity on roles and responsibilities. It is made clear that while the Licensing Authority will aim to advise a business where possible that ultimately it is the businesses responsibility to ensure that it meets the four licensing objectives. Environmental Protection echo this view.
7. It is noted that the consultation document refers to "The Council" throughout as well as Licensing. It is considered that when the document refers to "The Council" that it is referring to the Licensing Authority and functions carried out within the Council's Licensing Team. Environmental as a Responsible Authority are also part of Shropshire Council it is advised that thought is given to the phrase "The Council". For example, using the wording "The Licensing Authority" or "The Council's Licensing function" may clearly make the distinction between the Council's Licensing function and others such as Development Control responsible for planning aspects and Environmental Protection. Alternatively defining what is meant by "The Council" at the start of the document could be considered.
8. Section 10.6 notes that the Licensing Authority will consider carefully any conflict that may exist between license applications and other regimes e.g. planning regime, building control. A suggestion is that a line is added to this paragraph to state that as the planning regime and licensing regime consider different aspects and aim to protect the local environment to different levels. With this in mind it is entirely possible that there may be conflict in respect of conditions placed through each regime.
9. It is suggested that paragraph 10.8 is extended with the following words at the end of the paragraph "including the nature and character of the locality".
10. The creation of a Responsible Authority role within the Licensing function of Shropshire Council is considered a betterment to the existing scenario. Environmental Protection consider this will encourage links between different Council functions as well as providing additional advice and guidance to all.
11. On page 29 an addition to the end of the bullet point second to last on the page is suggested as follows "to demonstrate that each of the licensing objectives is met".
12. Clarification is sought on paragraph 28.11. Should notice be given to Responsible Authorities the first working day after an application is received or the first working day after an application is considered valid by the Licensing Authority.
13. Paragraph 33.5 states that during a full variation, and paragraph 34.6 which discusses minor variations states the Council will look to liaise with the license holder to propose amended or new conditions. Environmental Protection fully endorse this approach. This is considered a suitable way of keeping licenses relevant and up to date.
14. Paragraph 36.1 says that a DPS should be the person who has a day to day responsibility for running the premises. Environmental Protection suggest consideration is given to changing

the word should to shall if this is possible to ensure that any DPS is contactable and aware of how a premises is being run.

15. Paragraph 46.17 states that the notice giver in relation to TENs shall be informed of the Council's position "within 24 hours of the day of the event". If it is possible to inform the notice giver before 24 hours of the day of the event it is advised that this is noted where possible.

16. Appendix B under the heading Premises License Operating Schedules and Premises Plans Guidance. Paragraph 2.1 and 2.2 are commended for inclusion. In addition a paragraph 2.3 is suggested as follows, "Where insufficient information is submitted or where information provided is unclear the application shall not be validated until such a time as all relevant information has been provided".

17. Within paragraph 4.1 addition bullet points are proposed as follows:

- Where entrances and exits exist details on the provision of lobbies shall be provided. Where lobbies are not provided this may impact on the activities and timings of activities that the premises carries out. Lobbies are recommended on all entrances/exits.
- Glazing specification should be provided e.g. single/double glazed, secondary glazed, triple glazed. Are windows capable of being opened.
- Where are nearest residential receptors located – preferable noted on a map/plan.

The information above will help Environmental Protection make relevant comments on any application.

18. At the end of paragraph 5.5an additional bullet point is suggested as follows:

- External music in areas where there are residential properties in close proximity is likely to cause complaint and where frequent, regular, to such a volume or a combination of these factors is considered likely to create a public nuisance and undermine the Licensing Objective Prevention of Public Nuisance. Applicants should be aware of this and should they require external music should provide control measures to mitigate and ensure that no public nuisance occurs.

Specific Environmental Protection additions

19. Environmental Protection as a responsible authority for consideration of Prevention of Public Nuisance are considering writing specific guidance for Licenced Premises operators, license holders and DPS. Guidance proposed will consider what Environmental Protection considers likely to cause a public nuisance and what mitigation measures premises could employ to ensure that it can operate as it intends. The guidance is proposed to consider when mitigation is likely to be necessary and what the consequences of omitting to have mitigation may be.
20. Any guidance produced will aid businesses by providing consistent information to be applied to all. In this way businesses will be clear on how Environmental Protection seeks to ensure that the Licencing Objective Prevention of Public Nuisance is upheld and what is expected of them, what controls are required for particular activities and what mitigation measures may be available to them should they propose to expand or alter operations including looking to extend opening hours, carry out music or hold music events in internal and/or external areas.
21. It is the intention that guidance produced shall be published on Shropshire Council webpages.
22. Environmental Protection request that the consultation document notes that premises license applicants, license holders, DPS's and any other interested parties should consider any guidance made available by responsible authorities and that guidance made available will be given weight when considering any decision on the granting of premises license.

From: [REDACTED]
Sent: 02 September 2018 16:23
To: Licensing
Subject: Public consultation Licensing policy

Individual citizen's response from Shrewsbury town centre

1. This is a useful piece of work, and an opportunity to make constructive improvements to the present situation is welcome.

2. It seems disappointing that

2.1 it has not been possible to synthesise the planning and licensing regulations, whose differing outcomes have led to a number of current difficulties

2.2 there is no summary of public complaints about their experience of the current system, and how the new policy seeks to address these

2.3 it appears that it is a complainant's responsibility to deal with any issues directly, with the officers very much as a second string – a bit of an unequal playing field

3. The night time economy seems to be regarded as a given good thing except in terms of alcohol related behaviour at its extreme. I do not recall any public discussion on its wider impact.

4. Any concerns seem to be related to street behaviour external to premises. There are many people affected as individual neighbours of late-night premises in terms of noise from late-night use of the rears of licensed premises. This has been exacerbated by smoking regulations, and by the technological change of shelters and heaters, enabling and encouraging use of "gardens" for activities which were previously contained inside a building.

5. I think that anything which reduces the wish of people to remain in residential properties in centres is bad, and ignores the benefit e.g. to Shrewsbury of maintaining the tourist attraction of having a living town with historically and architecturally interesting buildings occupied and maintained. The Big Town plan for the future would seem to endorse this.

6. Overnight tourism is important to Shrewsbury, and on balance I think that evening and late-night peace is to be preferred to its evening economy-driven alternative. What is BID's view?

Thank you.