

**Feedback from the “Statement of Licensing Policy” (Licensing Act)**

<b>Contact</b>	<b>Comment</b>	<b>Name</b>	<b>Ref</b>	<b>Include in final version for Full Council</b>	<b>Recommendation by Licensing Committee on 02 02 15</b>
<p>G H A Barnes Shepherd Neame</p>	<p>13.07.2015</p> <p>Thank you for forwarding the draft statement. I am writing on behalf of Shepherd Neame, who operate a number of public houses in the Maidstone Licensing area. In general we welcome this statement and in particular sections 3.18, 3.20 and 3.24, concerning the lack of need for Late Night Levy, EMRO or designation of Cumulative Impact Area. We particularly welcome the observation that alcohol related crime and disorder is reducing.</p> <p>We have a few observations which we would wish you to consider as below:</p> <p>3.2 We would question whether it is the role of the Licensing Authority to seek to direct the style of operation of licensed premises. Many pubs are</p>	<p>Shepherd Neame Ltd</p>	<p>Page 8</p>	<p>We would not seek to impose any style of operation on a premises, this is just a suggestion.</p>	

	<p>of a size and layout that precludes a significant catering operation. Many wet led community based pubs provide an important social role.</p> <p>3.8 We would question whether licensees are qualified to make judgement concerning the health of customers.</p> <p>3.11 We would query specific responsibility of the DPS for the receipt of alcohol. In practice, this is often carried out by a member of staff.</p> <p>3.12 We do not consider physical presence on site to be a requirement under the Licensing Act 2003.</p> <p>3.13 We do not think that the Licensing Act 2003 restricts a DPS to having responsibility for one site only</p>		<p>Page 8</p> <p>Page 9</p> <p>Page 9</p> <p>Page 9</p>	<p>We would expect the licensee to exercise common sense and to adhere to the rules surrounding serving alcohol to persons already intoxicated.</p> <p>Amended in document to read “expected”</p> <p>Although this is not a requirement we feel that this is best practice.</p> <p>This is dependent on where the premises are located and that the licensing Authority is satisfied that proper management is in place</p>	
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	<p>17.8 For the reason stated above in connection with item 3.2, we would query the final bullet point</p> <p>20.9 We do not fully understand how this advice is to be interpreted, unlicensed pavement area are unlikely to be under the control of the licensees</p>		<p>Page 20</p> <p>Page 27</p>	<p>Disagree; this can only serve to promote responsible drinking.</p> <p>The advice is specific to smoking areas within a licensed area generally outside the premises, these often draw large crowds of people, it is not ideal for large crowds to be on the pavement area, especially near busy roads. This also can lead to noise issues for neighbouring residents.</p>	
<p>Fay Gooch Chairman, Barming Parish Council MBC Ward Member for Barming &amp; Teston</p>	<p>I have compared the new draft policy, which runs from January 2016, with the one that's on your website which runs to January 2014. I assume that the intervening period of 2015 is being covered by the out of date policy.</p>		<p>N/A</p>	<p>The Council's current Policy Statement took effect from 7th January 2011 and at that time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to every 5 years, therefore the policy remained in place for 2015.</p>	

	<p>The new draft policy looks clearer, better set out and much more user friendly for Officers, Members and Public alike.</p> <p>The information at9 (paragraphs 3.15 and 3.16) concerning the Live Music Act 2012 is particularly important and relevant to residential/rural areas, because they are more sensitive to noise issues than the centre of town. For example, the issue my residents have with both the Redstart and the Bull in Barming is not that they can hear live music being played, but that the level of noise is so loud (a matter I'm raising with Environmental Enforcement). On the other hand, if I'm leaving the Town Hall late one evening after a meeting and wondering how the pub revellers can stand the music so loud, I'm pleased that the town is vibrant and our night time economy is healthy. Therefore I feel that the draft policy here has</p>		<p>N/A</p> <p>Page 9</p>	<p>Positive feedback</p> <p>Feedback only, mainly live music to have its own Heading</p>	
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	<p>“pitched it right” by not trying to define nuisance or excessive noise levels, and by succinctly setting out MBC’s position. However, because of the impact of this Act, you might consider the practicalities of giving it its own section?</p> <p>I do hope that once the policy is finalised and agreed, it is proof-read. For example to make sure the text is kept within the orange headers and footers, the type face is consistent, the different sections are consistently separated and titled, and the appendices are on separate pages.</p> <p>Page 14: it would be helpful to say what LA03 is, and Page 32: the title Director of Resource and Partnerships needs updating</p>		<p>N/A</p> <p><b>14&amp;32</b></p>	<p>the document on the website had corrupted format and numbering and was corrected and replaced for the remainder of the consultation period</p> <p><b>amended</b></p>	