

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

PLEASE NOTE: Please ensure the full response is read before any final decision is made.

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
NR01	Nananka Randle on behalf of Pollution Control	7/1.25	The first bullet point relating to the Anti-Social Behaviour, Crime and Policing Act 2014 does not state what is being referred to that occurs initially after 48 hours etc. This needs clarification assuming it is the closing of a premises.	Also raised in Ref No SC08 - see appraisal.	
NR02		23/11.2	This paragraph relates to premises where there are substantiated noise complaints relating to the use of smoking areas at the premises. I would want 23.00 to be used as a stated time for the use to cease. In some circumstances earlier closing particularly where noise has been witnessed would be required. Perhaps just state earlier time to cease use may be required by the responsible authority.		
SC01	Councillor Stephen Chappell	3/1.4	End sentence after second "40,000". Begin new sentence "All have contributed hugely ..."		
SC02		3/1.6	Last sentence to read "The Council wishes to encourage early evening activity within the Town Centre (i.e. between 18.00hrs and Midnight) by means of a diverse offer appealing to families and diners."		
SC03		4/1.8	Penultimate sentence in first paragraph to read "In November 2010, Bournemouth received the Purple Flag Award in recognition of the Council's initiative in creating a night-time economy that is broad in choice and largely safe for both visitors and residents, an Award which the Council continues to proudly hold."		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
SC04		6/1.16	To read "In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to the Guidance (revised October 2014) issued by the Home office under section 182 of the Licensing Act 2003 ("the Home Office Guidance"). It has also taken into account the views of persons and bodies it has consulted."		
SC05		6/1.18	Delete "partnership" and substitute with "constructive relationship".		
SC06		6/1.19	Should a reference be made as to where the Community Safety Strategy can be accessed?		
SC07		6/1.20	Delete and substitute with "The Licensing Authority will react positively to measures introduced by Central Government from time to time to address social, health, and crime and disorder issues arising from the misuse of alcohol ( particularly where these measures prevent the sale of alcohol to under 18s) or from the sale and use of drugs and new psychoactive substances at alcohol licensed premises."		
SC08		7/1.25	1 <sup>st</sup> bullet point - Add, before the word "initially" the words "to close premises". 5 <sup>th</sup> bullet point to read "Under the Anti-Social Behaviour, Crime and Policing Act 2014, powers for the Police to disperse people committing or likely to commit crime and disorder, and to prevent their return within 48 hours." 7 <sup>th</sup> bullet point - Add after "2014" the words "to apply for", and delete the words "can be granted."	The power to disperse is for a period of up to 48hrs.	Amend wording accordingly.

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			8 <sup>th</sup> bullet point - Delete the words "which allows local authorities."		
SC09		8/1.26	Delete whole paragraph as repeats 1.8		
SC10		8/1.27	Add this as second sentence "The Council has taken particular care with regard to the number of licensed taxis, and the location of taxi ranks, in order to ensure that taxis are readily available for hire to service the night-time economy."		
SC11		8/1.28	Delete the final sentence and substitute the following: "The Licensing Authority notes with concern the increase in home drinking and pre-loading, as the consumer endeavours to save costs. This can place an unfair burden on on-licensed premises which have to tackle the associated problems of levels of intoxication and alcohol related accidents, or involvement in alcohol related violence."		
SC12		9/3.1	Delete the words "guidance document Guidance to the Licensing Act 2003" and substitute "the Home Office Guidance." [Defined in paragraph 1.16]		
SC13		10/3.4	Add a third sentence: "Ward councillors may make representations themselves or support other interested parties if asked to do so." Delete the rest of this paragraph.	"interested parties" should be referred to as "any other person".	Amend wording accordingly.
SC14		10/3.5	Delete and substitute the following: "A representation to be 'relevant' must relate to the likely effect of the grant of the licence (or of its variation) on the promotion of at least one of the licensing objectives. The issue of 'need' does not so relate, and is not a matter		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			for the Licensing Authority to consider in discharging its licensing function. The issue of 'need' is a commercial/market, or planning consideration. All representations must be made within the statutory time limit - and this date will appear on the statutory public notice."		
SC15		11/3.10	I would put this in black type as it is so important.		
SC16		13/4.11	<p>First paragraph to read: "Public Health is not yet defined as a licensing objective, but health bodies are responsible authorities under the Act, and the Licensing Authority considers the issue of public health to be relevant to the exercise of its licensing functions. This is borne out by Paragraphs 9.20 to 9.24 of the Home Office Guidance."</p> <p>Fourth paragraph to read: "Although the fifth licensing objective 'Protecting and Improving Public Health' applying in Scotland does not yet apply in England, the Licensing Authority would encourage applicants to volunteer additional measures to promote the public health of their customers. This could include:</p> <ul style="list-style-type: none"> <li>• Measures to protect customer health - e.g. providing information on sensible drinking, on the effects of excessive consumption, and where customers might seek help to reduce their drinking.</li> <li>• Measures to reduce the risk to children</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>from passive smoking near smoking areas.</p> <ul style="list-style-type: none"> <li>• Training for staff to be vigilant to excessive consumption by customers, and how to refuse to serve those who are drunk.</li> <li>• Clearly marking the number of units in beverages, and advising on the recommended safe drinking levels.</li> <li>• Providing a wide selection of reasonably priced non-alcoholic beverages.</li> <li>• Providing a food offer on the premises."</li> </ul>		
SC17		13/5.1	Second sentence to read: "All persons involved in the management of the premises must ensure that a sufficient number of responsible and trained persons are at the licensed premises at all times."		
SC18		14/6.1	Reinstate old 6.1 which reads - "The Licensing Authority expects the issue of occupancy capacity to be considered and addressed in an applicant's operating schedule. This particularly applies to premises where the applicant specifies a maximum occupancy, where Responsible Authorities choose to do so, for example, Dorset Fire and Rescue Service, and in all large or complex premises or events where the number of persons present cannot readily be assessed. The operating schedule in these cases should set out the additional arrangements that will be put in place to		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			monitor and control the level of occupancy to ensure that the agreed capacity is not exceeded."		
SC19		15/7.1	First sentence to read as follows: "In considering licensing hours, and the general policy set out in 7.5, each application will be decided on its merits".		
SC20		15/7.4	Delete all reference to the "Matrix Approach (third paragraph of 7.4 onwards)." This seems to have been lifted from another Licensing Authority's Statement without proper regard as to how it "sits in with" our Statement. . It is unhelpful, and, indeed ,somewhat complex and difficult to understand. The 'Yes/No' in the various boxes is confusing - and not explained. I have provided a simpler from of what I think the Matrix is intending to achieve in a new 7.5. A similar simple statement of our policy with regard to premises specifically in the cumulative impact policy areas is set out in paragraph 15.7 as I have amended it. Some of the commentary (e.g.5) & 6) has nothing to do with licensing hours and is misplaced here; other commentary is repetative.	Dorset Police have advised that the notes are intended to explain circumstances in which the Licensing Authority may depart from its policy on hours and as such should remain.	To keep in policy document.
SC21		17/7.5	(new) As follows: "The general policy of the Licensing Authority (outside the cumulative impact special policy areas) will be to limit the terminal hour of licensed premises as follows: (i) Restaurants in residential areas - 11.30 p.m. (ii) Pubs in residential areas - 11p.m.; midnight Friday & Saturday.	Comment from Dorset Police in response - "The table could be re-worded as I feel it is appropriate to demonstrate the types of premises and their hours which are supported both within and outside of the	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			(iii) Off-licences - 11p.m. in residential and mixed commercial areas. (iv) Nightclubs - 3a.m. (v) Late night food outlets - midnight.	CIA. Mixed areas should remain as a number of these exist in Bmth, eg. Winton, Southbourne, Westbourne  Restaurant: <ul style="list-style-type: none"> <li>• Within CIA - midnight</li> <li>• Mixed - terminal hour can be flexible depending on application.</li> <li>• Residential - 23:30hrs</li> </ul> Late night takeaway: <ul style="list-style-type: none"> <li>• Within CIA - not supported</li> <li>• Mixed - flexible hours depending on application.</li> <li>• Residential - midnight</li> </ul> Night club: <ul style="list-style-type: none"> <li>• Within CIA - not supported.</li> <li>• Mixed - up to 03:00hrs.</li> <li>• Residential - not supported</li> </ul> Pubs: <ul style="list-style-type: none"> <li>• Within CIA - 2300hrs</li> <li>• Mixed - up to</li> </ul>	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
				<p>03:00hrs.</p> <ul style="list-style-type: none"> <li>• Residential - 2300hrs Sun - Thur. Midnight Fri &amp; Sat</li> </ul> <p>HVVD:</p> <ul style="list-style-type: none"> <li>• CIA - not supported.</li> <li>• Mixed - Not supported</li> <li>• Residential - not supported.</li> </ul> <p>Off Licence:</p> <ul style="list-style-type: none"> <li>• CIA - Not supported</li> <li>• Mixed - up to 2300hrs</li> <li>• Residential - up to 2300hrs.</li> </ul> <p>Members Club:</p> <ul style="list-style-type: none"> <li>• CIA - Supported</li> <li>• Mixed - Supported</li> <li>• Residential - Supported</li> </ul> <p>Non-alcohol lead (eg Theatres):</p> <ul style="list-style-type: none"> <li>• CIA - Supported</li> <li>• Mixed - Supported</li> <li>• Residential - Supported"</li> </ul>	
SC22		17/7.9	This can be deleted as it repeats 3.10.	This re-inforces that a relevant representation	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
				should be made.	
SC23		22/10.9	Third bullet point from the end should read: "Providing management contact details to concerned residents, and putting in place a complaint procedure to enable residents to make a complaint."		
SC24		26/15.1 to 27/15.6	<p>Delete these sub- paragraphs, but include the points in all these paragraphs in the revision I suggest. This is because, as drawn, these sub- paragraphs are more a catalogue of the problems the Licensing Authority faces, rather than a statement of policy as to how the Licensing Authority proposes to deal with them. My revision is as follows:</p> <p>"15.1 " 'Cumulative impact' is defined in the Home Office Guidance as the potential impact on the promotion of one or more of the licensing objectives of a significant number of premises licensed to carry on a licensable activity, and which are concentrated in one area.</p> <p>15.2 This concentration can lead to serious problems of nuisance and disorder in a specific area, and even at some distance away. Such problems can arise when a number of drinkers leave pubs, clubs and other late night venues at the same time, or when queuing at fast food outlets, or when queuing for taxis and public transport. It may not be possible to distinguish individual premises as being the sole, or even a</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>contributor, to a particular problem. It is the combined effect of a concentration of customers partaking in licensable activities in the same area that can adversely impact upon the promotion of the licensing objectives. The Council has given careful consideration to the Guidance in its response to the cumulative impact on the promotion of the licensing objectives, and has adopted a special cumulative impact policy to meet concerns about crime and disorder and public nuisance in three areas of the Borough. This policy is set out in 1.7 onwards.</p> <p>15.3 If in response to an application for a licence (or for a variation thereof) a representation raises the issue of cumulative impact, the Licensing Authority will have regard to the problems that might arise in that particular locality if the licence or variation were to be granted.</p> <p>15.4 Besides having regard to the applicant's response to the control measures and factors variously set out in this Statement of Licensing Policy, the Licensing Authority will have particular regard to the following (and applicants should address these in their operating schedule, setting out the steps they will take to promote the licensing objectives, and supporting their application with evidence, where appropriate, from risk assessments):</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>(i) The characteristics of the premises and the nature of the 'offer' to customers, bearing in mind that pubs, nightclubs, shops, restaurants, hotels and theatres, may all sell alcohol, serve food and provide entertainment, but with contrasting operational styles (including hours of operation) and characteristics.</p> <p>(ii) The opening and closing hours of the premises, having regard to the opening and closing hours of other licensed premises in the vicinity.</p> <p>(iii) The premises capacities at different times of night, and the expected concentration of drinkers who would be expected to be leaving premises at different or similar times.</p> <p>(iv) The characteristics of the neighbourhood, and the proximity of residential premises.</p> <p>(v) Where alcohol is to be sold for consumption off the premises, the steps taken by the applicant to address the risk to the community from 'pre-loading' (for example, to restrict can sales to a maximum) from 'proxy' sales, and from attempts by children to purchase alcohol.</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>15.6 Where there is no specific cumulative impact policy for the area in which the applicant premises is located, the onus will be on the person or body making the representation to show that the grant or variation of the licence will give rise to a negative cumulative impact on one or more of the licensing objectives, notwithstanding the measures put forward by the applicant.</p> <p>15.7 While each application will be considered on its merits, the general policy of the Licensing Authority (where it is satisfied that there is a negative cumulative impact on one or more of the licensing objectives) will be to impose a terminal hour of midnight for the sale of alcohol in restaurants, and of 11p.m. in pubs."</p>	<p>Could the table of hours also be referred to here?</p>	
		27/15.7	<p>Renumber as 15.8. Amend the fourth sentence to read: "A further review in 2014 has led to the removal of the Winton stress area from the special policy, and the reduction in the size of both the Boscombe and Charminster areas."</p> <p>In line 16 delete "four stress areas" and substitute with "three stress areas".</p>		
SC25		28/15.9	<p>The bullet point to read: "A presumption will be made that the Licensing Authority will refuse such application if a relevant representation is received in regard to the crime and disorder objective or public nuisance objective, or grant it subject to certain</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			limitations, unless the applicant can demonstrate, to the satisfaction of the Licensing Authority, in his operating schedule, that there will be no negative cumulative impact either on the crime and disorder objective, or the public nuisance objective."		
SC26		28/15.12	(Renumbered 15.13) Delete second paragraph.		
SC27		29/15.14	This can be deleted as it is covered elsewhere.		
SC28		29/17.2	Late TENS - "Applicants can apply ... before the event; and can apply ..."		
AS01	Alan Stacey The Mayfair Hotel, 27 Bath Road		I refer to the response sent on behalf of BAHA and agree 100% with its content and would like it put forward as the response from the Mayfair Hotel.	See response by BAHA - Ref No:	
PD01	Phillip Day, HLF Solicitors	/1.8	I don't have access to your statistical information but I do query whether the numbers quoted are correct. I would also note that since the policy was last reviewed, a number of premises have either closed or their licences have been surrendered, revoked or lapsed. It might be helpful to include some information regarding those.	It is recognised that the figures need to be updated before the policy is finalised.	
PD02		/1.15	The Licensing Act was intended to be a de-regulatory measure but it has proved to be anything but. It must not be forgotten that many licences granted under the "old regime" and converted a decade ago had few and sometimes no conditions attached at all (unless they had a Public Entertainment Licence at the time). It is perfectly permissible for applicants to state quite simply that they do not consider that their intended operation will give rise to		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			any issues under any (or all of) the licensing objectives and if they do so, that should not of itself give rise to an automatic refusal. If there are representations, it is for the Licensing Authority to determine not only whether to grant or refuse the application but also whether to grant subject to the imposition of conditions that were not volunteered. To that extent, it becomes the responsibility of the Authority to draft conditions (but, accepted, not the application form). To an extent, this is replicated in 3.9 but at 4.4, the test to be applied by the Licensing Authority is incorrectly stated - it should refer to "appropriate" as opposed to "necessary".		
PD03		/4.11	Here, it seems to me that the policy is pre-empting a possible future change in the law. It would be wrong to "look favourably on premises which demonstrated additional responsibilities to promote the public health of customers" (and by implication to look less favourably on applications that do not address the issues identified) as this goes beyond the licensing objectives set out in the Act (which, I mention again, was supposedly a de-regulatory measure).	Each application will be dealt with on its own merits.	
PD04		/7	In my opinion, this is in effect an extension of a form of cumulative impact policy that would be Borough wide and I am not aware of any evidence that has been produced to support it. I will deal with the Cumulative Impact Policy itself below but, with respect, I consider that		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>this "matrix" approach is a step too far and derogates from two basic principles of the Act itself namely that there should be a presumption of grant and that each case should be considered on its own merits.</p> <p>For example - why should restaurants be limited to midnight or 11:30 in residential areas when, under the "old regime" they were permitted as of right to sell alcohol until midnight (other than on Sundays and Christmas Day) with a further 30 minutes "drinking up time"?</p> <p>Why should late night take-aways be restricted (across the Borough) to midnight and refused outright in the CIA's? This is particularly strange given that on more than one occasion, the Licensing Board has accepted the argument that granting a further licence for late night refreshment is in fact likely to reduce issues of crime and disorder because late night take-aways do not of themselves attract people to an area and where there are a limited number, the opening of a new outlet means that the crowds already in an area (particularly Old Christchurch Road) will become more dispersed between the outlets, are dealt with more quickly and are less likely to become involved in conflict or engage in anti-social behaviour? With respect, this makes little sense.</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>Night clubs - existing operators would no doubt be delighted at the proposed restrictions as it would reduce the potential for competition. The policy fails to take into account that within the town centre, a number of venues closed during the recession and the end result is that capacity within the town centre has reduced significantly.</p> <p>Pubs. I fail to see the logic here of allowing new pubs until 11 p.m. in the CIA,s, allowing them to open until 3 a.m. in mixed residential and commercial areas but then 11 p.m. in residential areas. Realistically, a pub that is open until 3 a.m. is more likely than not to be a night club of sorts - where does one cross the line from being a pub to being a venue to being a nightclub? I also recollect that before the Licensing Act came into force, I was lecturing with the gentleman from the Home Office who was responsible for steering the legislation through. We were in Birmingham one night, working late and bemoaned the fact that we were "thrown out" of a bar at 11.20 p.m. when we had more to discuss and were faced with the choice of going to a nightclub (where we wouldn't have been able to hear ourselves think, let alone talk to each other) or retire to the hotel bar where we could carry on all night but unable to get a decent pint of real ale. Why restrict the hours during which middle aged (and hopefully responsible) adults such as</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>yours truly can buy a pint in peace and quiet and convivial surroundings?</p> <p>HVVD. An outright ban (or reversal of the presumption of grant) is wide open to challenge on judicial review. I will leave it at that.</p> <p>Non-alcohol lead (e.g. Theatre). This does not reflect reality and smacks of a form of class discrimination.....</p> <p>Off licences. In 7.3 it is said that “(t)he Licensing Authority will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises at any times when the retail outlet is fully open for shopping.....” How does one square this with a “ban” on new off-licences in the CIA and a restriction to 11 p.m. everywhere else? It is, with respect, entirely contradictory.</p> <p>Members Club. Is this intended to be a reference to club premises certificates or is it intended to include all private members clubs? If the latter, then all one would have to do is to set up a membership scheme (without even perhaps any notice period etc) to then have a presumption of a grant for 24 hour drinking?</p> <p>My concerns about this “matrix approach” are reinforced by what then follows - “Departure</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>from this policy is expected only in exceptional circumstances" i.e. there will be a presumption of refusal or, in other words, a very substantial extension (across the Borough) of a form of cumulative impact policy without there being any evidential basis to support it.</p> <p>Then - "Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix". There are two problems with this - firstly, the matrix doesn't "explicitly state it" anywhere and secondly, this policy would ignore cases such as "Brew Dog" in Leeds.</p> <p>I then note in the next bullet point that "exceptional circumstances" may include "community support to off set impact (such as financial contribution to infrastructure). Frankly, I am outraged at this. In planning terms, we have a statutory basis for financial contributions to infrastructure etc - commonly known as section 106 agreements. There is nothing comparable in licensing legislation. Bournemouth has considered and rejected the idea of a late night levy but it is now being suggested that if an applicant were to be prepared to write a cheque, that might be an "exceptional circumstance". Personally, I would question whether this might fall foul of the Bribery Act.</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			The policy also appears to ignore the provisions of the Live Music Act (“Favourable consideration will be given to promoting the live entertainment in pubs, food led operations and promoting a family leisure area during the early/late evening”) although I note that this legislation is mentioned later in the policy (see below).		
PD05		/8.4	I note that elsewhere, the quality of the management of the premises is not a factor to be taken into account yet here, it is asserted that “(t)he effective management and supervision of a venue is a key factor..... The police will consider the relevant experience and track record of applicants, objecting to the application where appropriate”. This is contrary to the provisions in the Act itself which require that in relation to a DPS or a transfer application, the police can only object if the exceptional circumstances of the case are such that they consider that the crime prevention objective would be undermined. It is also unfair to say on the one hand that if the applicant is not managing the business well, the Licensing Board will take that into account but on the other, will ignore the fact that an applicant has a good track record and is a responsible operator who can be trusted.		
PD06		/10.8	There is an overlap here with planning and an often requested condition is that a “suitably qualified noise consultant (etc) shall be employed”. The cost of employing such a		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>person can be substantial and to make this a pre-requisite condition is in my view disproportionate. There are many mechanisms for dealing with noise nuisances but the starting point should be an assumption that operators will not cause a noise nuisance but if they do, a great deal can be done about it. In this regard I reiterate (again) that the legislation was intended to be de-regulatory and to have a policy which, in effect starts from a position of assuming that there will be a problem unless an applicant can prove that there will not be (by employing the expensive services of an expert) runs counter to that. I also note that this part of the policy makes no reference to the Live Music Act and consequential amendments to the Licensing Act with regard to noise conditions. It should do!</p>		
PD07		/12	<p>This does not sit comfortably with the "matrix" nor with previous decisions of the Licensing Board (see above).</p>		
PD08		/15	<p>My (personal) view on Cumulative Impact policies are probably well known to the Licensing Board and I appreciate that in raising my concerns, I am in all probability flogging a dead horse. Nevertheless, I remain very concerned about the evidential basis upon which the Council relies. The statistical evidence provided by the police no longer refers to alcohol related crime - it simply looks at the number of assault taking place. It contains no information about alcohol related</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>anti-social behaviour. I know of two cases that went to appeal, licences having been refused on the grounds of cumulative impact where the Magistrates were critical of the evidence adduced by the police and went on to grant the licences.</p> <p>More specifically, there is a distinct absence of evidence linking alcohol related crime to off-licences situated within the cumulative impact area and much the same applies to late night takeaways. I would refer the Board to the sort of evidence provided by Thames Valley Police considered by Reading Borough Council and Oxford City Council when considering their cumulative impact policies. The information provided is vastly more detailed and allows a clear evidential link to be drawn between alcohol related crime and the presence, number and nature of licensed premises.</p> <p>I will conclude this section with three further observations.</p> <p>Firstly, existing operators love CIA's because they stifle competition. They also stifle innovation and development of new and attractive venues that might otherwise raise standards.</p> <p>Secondly, it is unlikely that objections to the policy will be forthcoming from those who</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>might at some point in the future look to open premises in Bournemouth - unless they are considering doing so in the immediate future, they would simply not think to respond to this consultation.</p> <p>Thirdly, I will observe with some interest how the Board (and the responsible authorities) will apply the existing policy to the redevelopment of the old bus station site and to the new Hilton hotel(s), all of which fall within the existing CIA. If these applications are granted, the Board might wish to consider redrafting the policy to take into account developments such as these and others that might be forthcoming.</p>		
PD09		/15.7	<p>In particular is of concern - it asserts that the policy "applies to all premises licences and club premises certificates, for example pubs, restaurants and takeaway establishments. Off licences also come within this policy as they can contribute to problems of street drinking (etc)." This contradicts the "matrix approach" referred to earlier in the draft policy (e.g. members clubs anywhere - no restriction). It goes on to say that "any variation <u>including minor variations</u> will potentially come within this special policy....." (my emphasis). The reference to minor variations is wholly inappropriate - if the Licensing Officer considers that any minor variation application might if granted undermine any of the licensing objectives, it must be refused (and there is no</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			right of appeal short of a High Court challenge, which is not anything that anyone has ever attempted to my knowledge).		
PD10		/15.10	Talks again of "(t)he fact that a premises will be is exceptionally well managed ..... will not be considered exceptional". I repeat my observations above.		
PD11		/16	It would be helpful if the policy included something about summary reviews and the Board's approach to whether or not licence holders should be notified of any "interim steps hearings". I am mindful of one case in particular where, had the premises licence holder been made aware of the application and been able to attend the hearing, it is almost a certainty that the decision to suspend the licence would not have been taken.		
PD12		/17.6	Objections to TEN's - this is out of date - police and the EHO can object now on the basis of any of the licensing objectives.	This has already been addressed and amended.	
PD13		/19.6	The further amendments to the Live Music Act exemptions will come into force on 6 <sup>th</sup> April 2015 and should be referred to. As mentioned above, certain parts of the policy should more specifically take into account these exemptions. Note also the provisions relating to hospitals, schools and local authorities holding events on their own premises and the provisions relating to community venues.		
PD14			Delegation - I deal with Licensing Authorities in all manner of places. Bournemouth is the only Council that I know of that has a scheme of	This is now dealt with under the Council's Constitution - see paragraph .....	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			delegation that effectively provides that any application for a new licence, variation or review within any of the CIA's will be dealt with by the full Board as opposed to a sub-committee. I have never understood the logic for this. From the council taxpayer perspective, it simply increases the cost of arranging and holding hearings. From my perspective, it inevitably means that hearings take far longer, not least because (I am afraid to say) members do not always listen to what others have said or asked and that results in repetition. On occasions, it does appear that members simply want to be seen to "make a point" and are not asking questions but making their (personal) views clear. Please therefore look again at the scheme of delegation as I firmly believe that sub-committees of 3 members could and would operate far more efficiently and make perfectly good (if not better) decisions - as was once said, a camel is a horse designed by a committee.		
PW01	Philip Wells, BH Live	/2.2	Suggestion: add Business Events Bournemouth (the town's destination marketing partnership for conferences and events) to the list .		
JT01	Jo Tibbles, Public Health Dorset	/1.28	Alcohol related harm is a major public health problem. According to the Local Alcohol Profiles (LAPE), produced by Public Health England (PHE), Bournemouth experiences significantly higher rates of alcohol related harm than the England average. This harm is expressed in terms of alcohol specific hospital	This is a proposed rewording of the previously drafted paragraph.	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>admissions for under 18's, alcohol specific hospital admissions for females, admission episodes for alcohol related conditions, and binge drinking. In addition males in Bournemouth experience significantly more episodes of alcohol specific mortality, mortality from chronic liver disease, alcohol specific admissions and alcohol related admissions than the England average (PHE 2013). <a href="#">See appendix Public Health for more detail</a></p> <p>As well as implications for health, alcohol abuse places a burden on the health and social care system in terms of accident and emergency care as well as the long term treatment of alcohol related illness and addiction. In addition to causing alcohol related health disorders and disease alcohol misuse can contribute to health and social inequalities as well as leading to antisocial and criminal behaviour. Bournemouth has seen a gradual year on year decrease in the numbers of violent assaults recorded in emergency departments; despite this alcohol related violent crime in the borough remains above the England average which is likely to be a contributing factor in the majority of assaults (including assaults in the home) and occurs at all levels of society irrespective of social economic status.</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>Whilst alcohol plays a part in social and family life, and contributes to employment and economic development, it is a toxic substance that can, when consumed above the recommended levels have a detrimental effect on physical and mental health and wellbeing. We have seen a shift in the patterns of alcohol consumption with an increase in home drinking and a decline in drinking in licensed premises. Supermarkets are now the leading providers of alcohol for home consumption, with alcoholic beverages now 61% more affordable per person than they were in 1980 (HSCIC 2013). These changes have contributed to the wider availability of alcohol for general consumption posing specific risks to the ability of children and young people to access alcohol as well as the ease of individuals to drink in their own homes at increased and higher risk drinking limits.</p> <p>The statement of licensing policy is one element of a package designed to reduce alcohol related harm in the borough. The Bournemouth and Poole Health and Wellbeing strategy supports the reduction in alcohol related crime through two of their major change priorities; preventing ill health and reducing inequalities and promoting healthy lifestyles, whilst the Bournemouth Alcohol Harm Reduction Strategy also outlines steps to maintain a balance between an economically</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			thriving night time economy whilst reducing harm due to excessive alcohol consumption and reducing the cumulative impact of more licensed premises.		
JT02		/4.11	<p>Section 104 of the Police Reform and Social Responsibility Act (2011) amended the 2003 Licensing Act enabling Public Health to have a voice in alcohol licensing. With effect from April 2012 the Director of Public Health (DPH) became a responsible authority, providing a unique opportunity to utilise health data within alcohol licensing to actively promote the health and wellbeing of the wider community on a locality basis.</p> <p>The DPH has access to a range of data that is not routinely available to other responsible authorities, and the section 182 guidance makes it clear that public health have the ability to make relevant health based representations in regard to the promotion of any of the four licensing objectives. For example it recognises that hospital and ambulance data could be used to pass comment under the public safety and crime and disorder objectives, whilst under 18 admission, and proxy sales data could provide evidence for the protection of children from harm objective, finally where Public Health hold relevant data and the effect is prejudicial to health it will also be possible to contribute under the public nuisance objective.</p>	This is a proposed rewording of the previously drafted paragraph.	

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p><i>Reducing Alcohol Related Harm</i></p> <p>Public Health would look more favourably on applications which demonstrate additional measures have been considered and will be implemented which would promote the health and wellbeing of their customers, for example:</p> <ul style="list-style-type: none"> <li>• Promoting responsible drinking e.g. restricting special offers, providing information on the number of units in beverages, the recommended safe drinking levels, the dangers of excessive consumption, and where to seek help to reduce their drinking.</li> <li>• Reducing alcohol related harm e.g. aligning pricing with alcohol by volume (ABV), restricting the sale of ABV to below 6.5%, or preventing the sale of single cans of alcohol</li> <li>• Demonstrating measures to protect children’s health e.g. reducing the risk of passive smoking from smoking areas, implementing challenge 21 or challenge 25 policy, removing visible advertising when located near to schools or youth clubs, or not selling ‘Alco-pops’ where</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>they could attract underage purchasers</p> <ul style="list-style-type: none"> <li>• Training all staff to be vigilant to excessive consumption in customers, and avoiding the service of those who are drunk</li> <li>• Introducing calming measures e.g. provision of a wide selection of reasonably priced non-alcoholic beverages, providing a food offer on the premises, having a 'drinking up' period, adaptation of hours so that alcohol is not sold for the entire opening times, having a last entry time, dispersal policies, or increased seating</li> <li>• Implementing safety measures e.g. use of strengthened glass, glass collection procedures, not allowing drinking vessels to be taken outside of the premises, or active promotion of designated driver schemes</li> </ul> <p>Public Health would look less favourably on applications which show potential to undermine the licensing objectives and cause alcohol related harm for example:</p> <ul style="list-style-type: none"> <li>• Very late or very early licenses especially in residential areas</li> <li>• Premises in areas that are</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>currently a focus for crime or antisocial behaviour</p> <ul style="list-style-type: none"> <li>• New premises in areas with a high density of licensed premises</li> <li>• Premises aimed at very young customers or likely to promote binge drinking</li> <li>• Applications that increase the risk of access by young people due to the distribution mechanism e.g. alcohol delivery</li> <li>• Those who wish to open later than premises already operating</li> <li>• Those within close proximity to schools and youth clubs</li> <li>• Premises with names that promote alcohol and drunkenness</li> <li>• Signage and advertising which promotes access to cheap alcohol</li> </ul>		
JT03			<p><b>References</b></p> <p>Health &amp; Social Care Information Centre (HSCIC) (May 2013)            Statistics on Alcohol - England  <a href="http://www.hscic.gov.uk/catalogue/PUB10932">http://www.hscic.gov.uk/catalogue/PUB10932</a></p> <p>Public Health England (PHE) Local Alcohol Profile for England (LAPE) (2013)            Public Health England centre area- Wessex  <a href="http://www.lape.org.uk/LAProfile.aspx?reg=X25004">http://www.lape.org.uk/LAProfile.aspx?reg=X25004</a></p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Responder	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<a href="#">AD</a>		
PCC01	Martyn Underhill, Dorset Police & Crime Commissioner	/1.20	I am a member of the national PCC Working Group and a number of our stated aims would support this paragraph, namely the reduction of the drink drive limit; the introduction of a Public Health Licensing Objective; and meaningful action on alcohol pricing.		
PCC02		/1.22 and 1.27	I know that specific concerns have been raised over people congregating in Horseshoe Common and the slow dispersal from the area. Can the Policy be used to encourage licence holders to do more to encourage dispersal from such areas (and be taken into account when new applications for licences are made).		
PCC03		/1.24	I would like to see the Late Night Levy (LNL) and Early Morning Restriction Orders (EMROs) added to the list of tools available for potentially controlling ASB.  I understand that Dorset Police have requested for this to be included in the draft CIA that is due to be considered by Councillors.		
PCC04		/3.8	I would like to see the potential impact on the police and other emergency services added to the list of matters for consideration. The four Licensing Objectives referred to in paragraph 1.7 should always be at the forefront of all applications and subsequent deliberations.  I understand that Dorset Police have requested that this be included in the draft CIA that is due to be considered by Councillors.		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
PCC05		/7	I would like specific attention given to licensing between 3am and 6am as I know that Dorset Police have concerns over ASB and alcohol related violent crime being too high in certain areas during these times (particularly the town centre). This appears to be as a direct result of the length of time that premises stay open, coupled with the high volume of late night takeaways (referred to later in the policy at 12.1).		
PCC06		/8.3	I would like the specific issue of vagrancy and associated street drinking listed as a consideration here.  I understand that Dorset Police have requested that this be included in the draft CIA that is due to be considered by Councillors.		
PCC07		/12.1	As per my comment above relating to section 7, I wholeheartedly support this emphasis on takeaway premises and would ask that this element of the Policy is robustly enforced (as I am aware of examples in the past where the licensing panel appear to have dismissed objections to such applications).		
PCC08		/15.9	Where such objections are raised by the police on the grounds of crime and disorder then the onus should be on the applicant to present evidence to rebut that presumption.  Currently, there is frustration that, rather than such an objection from the police being taken on merit owing to the existence of the CIA,		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			greater burden is being placed on the police to provide further evidence of crime and disorder linked to the premises or area.		
	Julia Palmer, JCP Law		<p>Thank you for allowing me the opportunity to comment on the above, which I do both on behalf of my local Clients, and as a licensing lawyer.</p> <p>The comments made below have particular regard to Government Guidance exhortation for all parties to work in partnership where possible and appropriate for the furtherance of the licensing objectives, and of the rights, benefits and expectations not only of those living and working in the borough, but those earning their livings from carrying on licensed businesses, and who contribute to the vitality and economy of the borough in so doing.</p> <p>The value of the strong partnership working between all those who have an investment in the town and the process is epitomised in the achievement of the Purple Flag award for the town, and the continued success of the Best Bar None scheme. I know that the Committee will be ever mindful of the need to encourage and support those in that economy area, and to ensure that a true balance is maintained between the wish to promote the licensing objectives (and to support the police in particular in this respect) and the operators. I would urge members to ensure that balance is</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>encapsulated in the Statement, which lays the foundation for the Committee's considerations of licensing issues.</p> <p>Specific comment is made in respect of the following proposed amendments</p>		
JCP01		/7.4	<p>The Bournemouth Licensing Board has long had a pedigree of considering licensing applications and issues, based on its' members in-depth knowledge of the borough and its' idiosyncrasies, in a balanced and fair manner. It is very disappointing to find, therefore, that it now finds it necessary to wholly align itself with Brighton. That city has its own entirely separate and individual issues, and to "crib" the Brighton policy, in some places verbatim, is, with respect, neither appropriate nor genuinely reflective of Bournemouth and its individual needs and requirements. It appears to be an unwelcome and uncharacteristic abrogation of the committee members' duties to the borough.</p> <p>The Brighton "matrix" (that may or may not be relevant to the Brighton CIA - which is a far more limited area than the Bournemouth CIAs) that members propose to adopt appears to have little or no foundation or relevance to the Bournemouth situation, and also appears to be arbitrary. There is no reasoning given for the hours selected. It is difficult to see how the adoption of such a matrix will have anything</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>other than the effect of moving the entertainment businesses out of the town centre to those areas now less restricted as a result of the reduction of the outlying CIAs. This is the diametric opposite of the intentions of those who have put so much effort, time and input into the exciting Bournemouth By Night initiatives.</p> <p>As such extensive parts of the borough are now covered by CIAs (even following an apparent reduction, the extent of which needs to be declared in the policy document) new operators - including those that the Authority may well wish to see in its area - will be strongly discouraged from coming to Bournemouth as not only does the policy advise that the matrix "would be strictly adhered to" it goes a step further than its Brighton equivalent by adding that "a decision on the final hours permitted will always be made to ensure the promotion of the licensing objectives". This appears to be marking an applicant's card that even more restrictive hours may be granted even if an application is made within matrix hours. If this is not what the committee proposed, it would be wise to re-word. The adherence to the proposed matrix could lead to Bournemouth stagnating, and perhaps retaining some less desirable operators both because new operators will not be attracted and also because the element of</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>healthy competition often offered by good new operators, and which could lead to a poor operator's cessation, will be absent.</p> <p>If members genuinely believe that Brighton councillors can mirror their issues and speak for them, then they may also care to take on board some of the more conciliatory approaches to implementing the matrix as well, and revert to Brighton's wording at 7.4.8, being "Favourable consideration will be given to local businesses properly engaged with the Licensing Authority and responsible authorities".</p> <p>Similarly, Brighton's wording should be retained at 7.4.10 by adding at the end "with a more adult leisure centre at night" to reflect the actual situation, and clear customer demand, that is also found in Bournemouth.</p> <p>7.4.9 The requirement for waiting staff service is financially very restrictive and should be removed, as it is likely to be a deterrent to the smaller independent business which Bournemouth has long treasured and promoted. This inclusion also blurs the distinction between a café bar and a restaurant.</p> <p>The committee are respectfully reminded of the Guidance requirement at 1.17 to consider each application on its own merits. Whilst this statement is made in the policy, the</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>introduction of the matrix with attendant policies militates strongly against this being likely.</p> <p>Paragraph 13.10 of Guidance makes it clear that the policy must not undermine the right of any person to apply under the Act for a variety of permissions and to have any such application considered on its individual merits. This policy appears to offend against that principle.</p> <p>The evidence expected by paragraph 13.23 of Guidance appears to be absent from this draft policy.</p> <p>Paragraph 13.35 advises that a special policy should never be absolute, and should always allow for the circumstances of each application to be considered properly. The content of 13.37 should also be noted, as should the advice at 13.38 that special policies should not restrict individual consideration by imposing quotas including those based on the number of premises.</p> <p>It is accepted that paragraph 13.40 considers measures such as fixed closing times, but nonetheless continues to reiterate the needs for consideration on a case by case basis. If proposed, the authority is expected to justify doing so in its policy, and should make it clear that it is a rebuttable presumption that would</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>be created if an application was outwith that policy. 13.43 is very clear in providing that licensing authorities “must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application”.</p> <p>The policy as drafted (“the policy, as represented in the matrix, would be strictly adhered to” and “departure from policy is expected only in exceptional circumstances”) appears to contradict such guidance.</p>		
JCP02		/8.2	<p>The policy training “expectation” is, with respect, excessively onerous and also fails to have regard to the varied nature of operations likely to be making application to the committee. This expectation appears to be contrary to the committee’s consideration of each application individually and on its merits.</p> <p>Advice and assistance on completion of an operating schedule is acceptable, and can be helpful to applicants, but should be just that and perhaps better included in a separate advice document.</p>		
JCP03		/8.4-8.6	<p>These paragraphs appear to be instigated, or written, by the police. This is the Council’s Statement of Licensing Policy. The Council, through its licensing board, is likely to have to adjudicate on applications before it and will need to do so in a fair and proper manner, complying with its own procedures, the rules of</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>natural justice and Human Rights legislation.</p> <p>It is difficult to see how any impartial decision, or one which failed to fall foul of the above requirements, could be reached in the event of a police representation, or police application, when the council have expressed such a clear and partial adoption of police policies and suggestions.</p> <p>Whilst paragraph 9.12 of Guidance confirms that the police should be the main source of advice on matters relating to crime and disorder, it nonetheless reminds authorities that it remains incumbent on the police to ensure that their representations are substantiated by evidence.</p> <p>In my view, the inclusion in the Council's policy, and purporting to be the Council's independently considered opinion and requirements, of such clearly police led policies are wholly inappropriate.</p>		
JCP04		/10.8	<p>The second part of this paragraph refers to a noise impact assessment. That may be suggested as a result of the "good practice" consultations with the EH team, but is not prescribed.</p> <p>The tone of the second paragraph is to prescribe a very expensive requirement which may not be necessary or appropriate. This is,</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>with respect, inappropriate but to express its expectation, the committee may wish to re-word as follows :</p> <p>“It is expected that any noise impact assessment required will be carried out by a suitably qualified acoustic consultant....”</p>		
B&DLS1	Sandra Graham on behalf of BOURNEMOUTH & DISTRICT LAW SOCIETY (B&DLS)	Page 3 Para 1.3	<p>Whilst it is apparent that references to issues of noise and disturbance have been introduced into the draft document it is unclear from the second paragraph whether there is an indication that new student accommodation allegedly exacerbates such noise and disturbance or whether it is sought to protect those studying from noise and disturbance. References are made to new student accommodation within the Town Centre, but states many more students are living in residential areas. It is not clear what point is being made here and one questions the advisability of singling out one part of the community in this regard. In any event, whilst it is to be expected that there may be more noise and disturbance experienced in the town centre it is felt that the Licensing Authority should be mindful of <u>excessive</u> noise and disturbance wherever it occurs. It is important as a town that the evening economy feels safe for all its residents and the visitors we are hoping to attract for conferences, business and leisure. The importance of attracting and developing the town in terms of business</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			commerce should be a consideration within licensing policy.		
B&DLS2	(B&DLS)	Page 3 para 1.6	Any strategy to increase early evening activity within the town centre is welcomed and supported. Every effort should be made to encourage a variety of quality establishments to attract early evening business in to the town and provide added vibrancy.		
B&DLS3	(B&DLS)	Page 4 para 1.8	The statistics provided within this paragraph deserve at least some clarification as there are apparent inconsistencies. First paragraph refers to there being 799 premises licensed to supply alcohol throughout the Borough (compared with 802 stated in the existing Policy, a decrease of 3 licensed premises). Although reference is to premises licensed to supply alcohol it is assumed that this includes those licensed to sell alcohol i.e. Premises Licences and Club Premises Certificates.		
B&DLS4	(B&DLS)	Page 4 1.8 cont'd	<ul style="list-style-type: none"> <li>The second paragraph refers to the number of licensed premises within the Borough as 842 (an apparent increase of 40 since the existing Policy was created in 2011) but the sum of the individual breakdown of types of licensed premises within that paragraph does not total 842.</li> <li>The number of late night refreshment premises appear to have risen inexplicably from 97 five years ago to 460 in this draft Policy. If there really</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>has been such exponential rise in this type of licensed premises this deserves some explanation in the draft Policy. Arguably such an increase may well cause additional noise and disturbance in and around such premises which provide a focal point when on- licensed premises have closed at the end of an evening. Consideration should be given to ensuring that such premises do not generate litter and food smells which create a bad image for the town.</p> <p>It is noted that the draft Policy suggests such premises should be required to have named packaging which is commendable but extra safeguards are also necessary.</p> <p>It would be helpful if the breakdown of premises holding 24 hour licences gave details of their approximate location in order to establish the general spread of such premises and if they were in the main in the town centre. It would be more helpful to distinguish hotels by their star rating or size by bed stock rather than by the number of storeys they possess. What relevance has the number of storeys to their licence?</p>		
B&DLS5	(B&DLS)	Page 5 para 1.15	Second bullet point - typo - licen <u>ce</u> s		
B&DLS6	(B&DLS)	Page 8 para 1.28	The newly inserted 1.28 refers to public health issues of alcohol related harm and states that Bournemouth experiences significantly higher		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>rates of such harm than (typo in draft script) the England average to include hospitalisation as a result of alcohol and levels of binge drinking. Such statements do not paint Bournemouth in a good light when many are working hard to attract business to the town. It would be interesting to provide an analysis, if statistics are available, as to proportionately how many of these hospital admissions and stays resulting from binge drinking relate to persons unrelated to the town other than by chance visiting for a weekend's Hen or Stag celebrations. Whilst it is appreciated that such events provide welcome economic benefit to the town alcohol-related incidents arising due to actions of the transient visitor should be distinguished from statistics relating to Bournemouth based individuals so that a true picture can be gleaned.</p>		
B&DLS7	(B&DLS)	Page 10 para 3.2	It is considered advisable to include Environmental Health specifically within this paragraph to give clarity for applicants		
B&DLS8	(B&DLS)	Page 10 para 3.3	It would assist applicants if a list of Responsible Authorities and their contact details were referred to here		
B&DLS9	(B&DLS)	Page 14 para 6.1	Insertion under the expectation of applicants to consider using SIA registered door staff of additional bullet point 'where the premises are in an area where Police evidence shows that crime and disorder is an issue' - surely this should be qualified as to the type of premises for which this expectation is applicable. It		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			cannot be suggested that this be considered where the applicant's premises are a restaurant or hotel or premises for family entertainment. In such situations the presence of door staff would send out totally the wrong message, deter people from entering and be an unnecessary financial burden on the establishment.		
B&DLS10	(B&DLS)	Page 14 para 6.2	Whilst the safety of persons within premises is of paramount concern to all, the requirement now inserted in to the draft Policy as paragraph 6.2 is considered inappropriate and over-burdensome when such is adequately dealt with under the Regulatory Reform (Fire Safety) Order 2005. Given the Guidance issued under s182 Licensing Act (Oct 2014) paragraph 2.13 it is considered that the proposal should only be applied in certain circumstances and not as a general rule.		
B&DLS11	(B&DLS)	Page 15 para 7.4	Bournemouth and District Law Society are fully supportive of any attempt to promote diversity of licensed premises within the town and believe such is essential for a future thriving economy. The 'matrix' approach is to be commended as an idea but difficult to uphold and justify when required to consider cases on individual merit. Restaurants -it is considered that the terminal hour should be midnight even in residential areas; 11.30pm is more restrictive than was permitted under the Licensing Act 1964 (where restaurants had the benefit of Supper Hour		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			Certificates); restaurants rarely create opportunities for crime and disorder which is the stated purpose of the matrix approach.		
B&DLS12	(B&DLS)	Page 15 para 7.4 cont'd	<p>Pubs - in the Cumulative Impact areas and particularly the town centre it is considered that some provision should be made for the more mature tourist/business visitors to be able to enjoy a more traditional pub type premises until midnight (11pm is too restrictive) in a tourist area.</p> <p>Notes on matrix: Point 4) - it is difficult to understand how exceptional circumstances warranting the grant of an application outside the matrix can include financial contribution to offset impact. Surely any impact <i>per se</i> should determine the outcome, not that any adverse impact can be compensated by financial recompense. Allowing authorised officers access to sales accounts is unacceptable and open to challenge - on what basis are they qualified to make an assessment? Point 6) - the requirement for shatterproof drinking receptacles should be carefully and individually applied - it would not be appropriate as a blanket condition in all premises, particularly when quality high-spend premises should be encouraged in to the town. Point 10) -'Licensing Authority' typo?</p>		
B&DLS13	(B&DLS)	Page 18 para 8.2	The draft Policy refers at the bottom of page 8 to preloading increasing and we have seen an		

**LICENSING ACT 2003**

**SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015**

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>increase from 4 to 46 supermarkets in the Borough with 24 hour licences according to page 4 of the draft Policy. This, as accepted at the bottom of page 8 can result in an unfair burden on on-licensed premises whom, on the whole, have a greater control on the consumption of alcohol by customers given consumption is on the premises. Therefore, we fail to understand (point 8.2 second paragraph) why attendance on training programmes is an expectation specifically of licensees of <u>on-licensed</u> premises; off-licences should equally have the same expectations applied and particularly in areas of child protection, issues of drugs and violence and sales to those already inebriated. All too often crime, disorder and nuisance issues arising on the streets follows acquisition of alcohol from off-licensed premises.</p> <p>It is considered that there should be some specific focus on this area of concern.</p> <p>The Licensing Authority should also bear in mind paragraph 2.7 of the Guidance issued under s182 (Oct 2014) in relation to imposing any requirements for training.</p>		
B&DLS14	(B&DLS)	Page 21 para 10.3	<p>Whilst this paragraph is existing in the current Policy there are views being advanced that such a condition, generally referred to as the 'inaudibility condition', is now no longer being favoured as the solution to potential noise nuisance issues. There has been much academic and professional challenge in recent</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			times over the use of the word 'inaudibility', its subjectivity, and the currently held view that at least some sound should be acceptable otherwise an unfriendly, unviable town centre will result. Given current trends it may be better to amend the second sentence of this paragraph to read 'A condition could/may be imposed in such circumstances....' rather than stating that such should normally be imposed.		
B&DLS15	(B&DLS)	Page 26 para 13.11	First bullet point - it seems unnecessary to insert reference to RIPA authorisation when it is legally what is required in such an event.		
B&DLS16	(B&DLS)	Page 27 para 15.7	<p>Please clarify date of adoption of special Policy (existing Policy states this was on 27<sup>th</sup> February 2007 whereas the draft Policy refers to a date before the Licensing Act 2003 came in to effect).</p> <p>There are concerns about the effect of having a cumulative impact policy in the town centre. To date its effect, and perhaps an unintended consequence, is to make it so difficult for any new premises to be granted a licence (including those which are unlikely to adversely affect the crime and disorder objective such as family establishments, more selective premises such as wine bars for the mature visitor, entertainment venues) that applicants are deterred from even applying and move their entrepreneurial plans to other geographical areas outside the Borough. This in turn results in a monopoly for those already licensed in the cumulative impact area with no incentive to</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>invest and improve as there is no incoming new competition. The added tendency to close off streets in the area later at night only serves to create a 'no-go' area for anyone other than the late-night revellers and is having the opposite effect from encouraging diversity of premises and clientele. In our view the whole existence of a cumulative impact policy in the Town Centre should be reviewed as part of a much wider consideration of expanding the evening economy, increasing the vibrancy of the town and providing a diversity of facilities to attract and entertain a wide range of both business and leisure tourism to the town. The cumulative impact policy for the town centre has been in existence now for a considerable number of years and the Licensing Authority are charged with monitoring its effectiveness. The Licensing Authority should give consideration to a more thorough review of this Policy for the benefit of the future economy of the town as a whole.</p>		
B&DLS17	(B&DLS)	Page 28 para 15.10	<p>In order to promote a diversity of licensed premises in the town, such premises as restaurants of any size, theatres and entertainment facilities should be actively encouraged and should not have to show they are exceptional in order to be granted a licence with conditions that allow the premises to be commercially viable. If such exceptional burden of proof is that contained in paragraph 7.4, 4) on page 16 then it may be no surprise</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			that the potential operator prefers to set up business elsewhere outside this town.		
B&DLS18	(B&DLS)	Page 29 para 16.5	First sentence - surely the following the grant of a licence the management and supervision of premises will be monitored so far as it impacts on all four of the licensing objectives, not just crime and disorder?		
B&DLS19	(B&DLS)	Page 30 para 17.3	It is considered that the insertion of full details of the TENs limits is considerably helpful for applicants and its insertion is to be commended.		
B&DLS20	(B&DLS)	Page 31 para 18.7 Deletion of existing paragraph 18.7	It is unclear why it is proposed to delete existing paragraph 18.7 of the Policy which was intended to ensure proper integration of the impact of licensing matters with the Council's planning policies.		
BAHA1	Sandra Gramham on behalf of BOURNEMOUTH ACCOMODATION & HOTEL ASSOCIATION (BAHA)	Page 3 Para 1.3	Whilst it is apparent that references of issues of noise and disturbance have been introduced into the draft document we do not think that such concerns should be limited to areas outside the Town Centre. Many hotels are within the town centre and hoteliers frequently receive comments from guests if they have been disturbed by rowdy behaviour in proximity to the hotel. Whilst we accept that it is to be expected that there may be more noise and disturbance experienced in a town centre we consider that this paragraph should state that the Licensing Authority should be mindful of excessive noise and disturbance wherever it occurs if the adjective 'excessive' is being		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			used. <u>Excessive</u> noise and disturbance should not be tolerated anywhere. If we are to encourage business and leisure tourists who are not visiting the town for late night revelry we must be able to assure them a good night's sleep. Therefore, we suggest the words 'outside the town centre....' be deleted.		
BAHA2	(BAHA)	Page 3 para 1.6	We welcome and support any strategy to increase early evening activity within the town centre. We consider every effort should be made to provide leisure, entertainment and a variety of dining facilities for a wide range of visitors (including families and business tourism) to the town centre.		
BAHA3	(BAHA)	Page 4 para 1.8	Please give clarification of some of the statistics quoted which appear inconsistent: <ul style="list-style-type: none"> <li>• First paragraph refers to there being 799 premises licensed to supply alcohol throughout the Borough (this is compared with 802 stated in the existing Policy, a decrease of 3 licensed premises). (It is assumed that this includes those licensed to sell alcohol as well as Club Premises Certificates supplying alcohol).</li> </ul>		
BAHA4	(BAHA)	Page 4 para 1.8 cont'd	<ul style="list-style-type: none"> <li>• The second paragraph refers to the number of licensed premises within the Borough as 842 (an apparent increase of 40 since the existing Policy was created in 2011). This does not seem to</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>correspond with the sum of the total of individual breakdown of figures quoted.</p> <ul style="list-style-type: none"> <li>• The number of late night refreshment premises appear to have risen inexplicably from 97 five years ago to 460 in this draft Policy. If there really has been such exponential rise in this type of licensed premises at best this deserves some explanation in the draft Policy and at worse deserves some focus on such premises which arguably in such numbers can cause additional noise and disturbance with persons lingering around the premises late at night and acting as a potential hot-spot for trouble when the night clubs have closed. In addition, consideration should be given to ensuring that such premises do not generate litter and food smells which create a bad image for the town. It is noted that the draft Policy suggests such premises should be required to have named packaging, which we would support, but we consider extra safeguards are necessary in addition.</li> <li>• For the first time in the Policy this draft distinguishes those hotels (guest houses) having 24/7 premises licences by means of the numbers of storeys they possess. What relevance has this to their licence? Surely it is more meaningful to describe hotel premises by their type of</li> </ul>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			operation rather than their storey? We cannot understand the purpose of such differentiation.		
BAHA5	(BAHA)	Page 5 para 1.15	Second bullet point - typo - licen <u>ce</u> s		
BAHA6	(BAHA)	Page 6 para 1.18	The current committee members of BAHA have not been aware of any partnership with the Licensing Authority but are pleased to hear that the Licensing Authority is seeking to build on this, which BAHA welcomes and would like to see develop.		
BAHA7	(BAHA)	Page 8 para 1.28	The newly inserted 1.28 refers to public health issues of alcohol related harm and states the Bournemouth experiences significantly higher rates of such harm than (typo in draft script) the England average to include hospitalisation and levels of binge drinking. Such statements are not helpful to the tourism economy. If such figures are above the England average are such figures skewed due to admissions from those transient visitors here for short periods of time on Stag and Hen weekends such that a valid comparison with other areas is not reflected in the statistics?		
BAHA8	(BAHA)	Page 14 para 6.1	Insertion under the expectation of applicants to consider using SIA registered door staff of additional bullet point 'where the premises are in an area where Police evidence shows that crime and disorder is an issue' - surely this should be qualified as to the type of premises for which this expectation is applicable. It cannot be suggested that this be considered		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			where the applicant's premises are a restaurant or hotel or premises for family entertainment. In such situations the presence of door staff would send out totally the wrong message and deter people from entering.		
BAHA9	(BAHA)	Page 14 para 6.2	The insertion of this statement is considered to be totally unnecessary and over-burdensome when such is adequately dealt with under the Regulatory Reform (Fire Safety) Order 2005. It is an attempt to step back to the days of Public Entertainment Licence requirements which were removed when the Licensing Act 2003 came in to force.		
BAHA10	(BAHA)	Page 15 para 7.4	<p>BAHA are fully supportive of any attempt to promote diversity of licensed premises within the town and believe such is essential if the town is to continue to promote itself as a tourist destination. The 'matrix' approach is to be commended conceptually but difficult to justify if considering cases on individual merit:</p> <p>Restaurants - we consider that the terminal hour should be midnight even in residential areas; 11.30pm is more restrictive than was permitted under the Licensing Act 1964 (where restaurants had the benefit of Supper Hour Certificates); restaurants rarely create opportunities for crime and disorder which is the stated purpose of the matrix approach.</p> <p>Pubs - in the Cumulative Impact areas and particularly the town centre it is considered that some provision should be made for the more mature tourist/business visitors to be</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			<p>able to enjoy a more traditional pub type premises until midnight (11pm is too restrictive) in a tourist area.</p> <p>Notes on matrix: Point 4) - we struggle to understand how exceptional circumstances warranting the grant of an application outside the matrix can include financial contribution to offset impact (the 'money talks' syndrome comes to mind). Surely any impact <i>per se</i> should determine the outcome, not that any adverse impact can be compensated by financial recompense. Allowing authorised officers access to sales accounts is unacceptable and open to challenge - on what basis are they qualified to make an assessment?</p>		
BAHA11	(BAHA)	Page 15 para 7.4 cont'd	<p>Point 6) - the requirement for shatterproof drinking receptacles should be carefully applied - we do not want it to deter quality high-spend premises from being established in the town. Customer expectations in such premises with high value spend is that quality glass receptacles are in use.</p> <p>Point 10) - typo?</p>		
BAHA12	(BAHA)	Page 18 para 8.2	<p>Second paragraph - we fail to understand why attendance on training programmes is an expectation specifically of licensees of on-licensed premises; off-licences should equally have the same expectations applied and particularly in areas of child protection, issues of drugs and violence and sales to those</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			already inebriated. All too often crime, disorder and nuisance issues arising on the streets follows acquisition of alcohol from off-licensed premises.		
BAHA13	(BAHA)	Page 27 Removal of paragraphs 15.5 and 15.8	BAHA are concerned that the deletion of what is paragraph 15.5 and 15.8 of the existing Policy suggests that there are no longer any local initiatives existing to address problems of cumulative impact and that the practice of staggering closing times has been unsuccessful. Can the situation please be clarified?		
BAHA14	(BAHA)	Page 27 para 15.7	<p>Please clarify date of adoption of special Policy (existing Policy states this was on 27<sup>th</sup> February 2007 whereas the draft Policy refers to a date before the Licensing Act 2003 came in to force).</p> <p>BAHA has considerable concerns about the effect of having a cumulative impact policy in the town centre. To date its effect, and perhaps an unintended consequence, is to make it so difficult for any new premises to be granted a licence (including those that in our view would not adversely affect the crime and disorder objective such as family establishments, more selective premises such as wine bars for the mature visitor, entertainment venues) that applicants are deterred from even applying and move their entrepreneurial plans to other geographical areas outside the Borough. This in turn results in a monopoly for those already licensed in the cumulative impact area with no incentive to</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

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			<p>invest and improve as there is no incoming new competition. The added tendency to close off streets in the area later at night only serves to create a 'no-go' area for anyone other than the late-night revellers and is having the totally opposite effect from encouraging diversity of premises and clientele. In our view the whole existence of a cumulative impact policy in the Town Centre should be reviewed as part of a much wider consideration of expanding the evening economy, increasing the vibrancy of the town and providing a diversity of facilities to attract and entertain a wide range of tourists and visitors to the town. The cumulative impact policy for the town centre has been in existence now for a considerable number of years and the Licensing Authority are charged with monitoring its effectiveness. BAHA invites the Licensing Authority to give consideration to a more thorough review of this Policy for the benefit of the future economy of the town.</p>		
BAHA15	(BAHA)	Page 28 para 15.10	<p>Following on from our opinions as stated above, whilst we entirely agree that an application should be granted if it is unlikely to add adversely to the impact of crime and disorder we do not understand why such examples cited are qualified, such as to include a <u>small</u> restaurant - we would welcome a diversity of restaurants of any size (larger size does not of itself suggest any adverse issues); or that a theatre <u>may</u> be considered exceptional</p>		

LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

Ref No	Name of Respondent	Page No/ Paragraph	Summary of Comments	Appraisal	Recommendation
			circumstances - surely a theatre would be welcomed and should not have to show it is exceptional. If such exceptional burden of proof is that contained in paragraph 7.4 (4) on page 16 then it may be no surprise that the potential operator prefers to set up business elsewhere outside this town.		
BAHA16	(BAHA)	Page 29 para 16.5	First sentence - surely the following the grant of a licence the management and supervision of premises will be monitored so far as it impacts on all four of the licensing objectives, not just crime and disorder?		
BAHA17	(BAHA)	Page 31 Deletion of existing paragraph 18.7	BAHA's role includes consideration of planning policies as they affect their members and the operation of hotels and tourism in the town. As such it is concerned to see the proposed deletion of existing paragraph 18.7 which was intended to ensure proper integration of the impact of licensing matters with the Council's planning policies.		

**LICENSING ACT 2003**

**SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015**

**Public Health Appendix**

LAPE indicator summary (ranked out of 326 local authorities)

Organisation Name	Months of life lost - males	Months of life lost - females	Alcohol specific mortality - males	Alcohol specific mortality - females	Mortality from chronic liver disease - males	Mortality from chronic liver disease - females	Alcohol related mortality - males	Alcohol related mortality - females	Alcohol specific hospital admissions - under 18 year olds	Alcohol specific hospital admission - males	Alcohol specific hospital admission - females	Alcohol related hospital admission (Broad) - males	Alcohol related hospital admission (Broad) - females	Alcohol related hospital admission (Narrow) - males	Alcohol related hospital admission (Narrow) - females	Admission episodes for alcohol related conditions (Broad)	Admission episodes for alcohol related conditions (Narrow)	Alcohol related recorded crime	Alcohol related violent crime	Alcohol related sexual offences	Abstainers synthetic estimate	Lower Risk drinking (% of drinkers only) synthetic estimate	Increasing Risk drinking (% of drinkers only) synthetic estimate	Higher Risk drinking (% of drinkers only) synthetic estimate	Binge drinking (synthetic estimate)	Employees in bars
Bournemouth	316	226	324	242	317	251	271	310	316	274	287	233	226	259	243	290	249	274	266	261	104	274	158	212	295	199
Christchurch	204	246	278	229	272	119	26	122	250	102	158	112	106	126	128	208	162	42	21	30	153	32	31	114	106	210
East Dorset	6	13	55	20	70	36	53	37	136	25	76	72	54	80	17	94	37	2	2	22	241	141	210	15	56	258
North Dorset	36	28	46	42	56	24	129	53	230	40	69	83	69	124	26	39	44	11	23	15	205	286	267	273	251	270
Poole	199	43	160	93	210	145	217	28	260	202	237	169	201	186	227	188	137	179	160	148	173	105	127	66	168	52
Purbeck	205	158	195	273	205	230	126	4	275	124	230	129	153	166	239	132	147	10	9	62	176	221	226	184	239	320
West Dorset	64	85	101	164	82	123	30	87	274	136	108	87	43	100	71	34	50	19	24	21	134	207	187	232	130	234
Weymouth & Portland	317	278	310	293	322	291	326	301	284	270	275	209	200	245	273	141	152	228	264	260	140	119	63	262	197	326

Key:  
  (over all LA - per Rank 1 - 10 Indicator)  
  (over all LA - per Rank 317 - 326 Indicator)

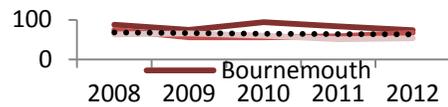
Alcohol attributable mortality rates

- Alcohol related mortality rates in Bournemouth are higher than the England average and are increasing in females

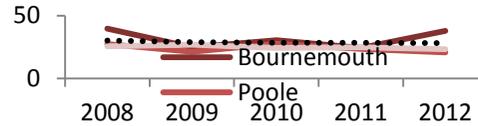
LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

**Trends in upper tier male alcohol attributable...**



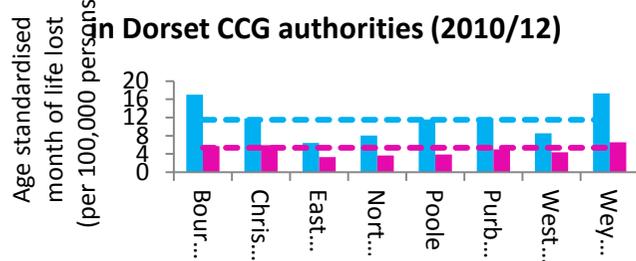
**Trends in upper tier female alcohol attributable mortality (2008-2012)**



Alcohol attributable months of life lost

- Males have a higher rate of months of life lost than females, this is higher than the England average

**Alcohol attributable months of life lost in Dorset CCG authorities (2010/12)**



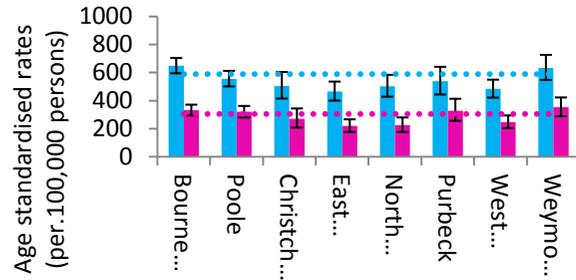
Alcohol attributable hospital admissions

- Males in Bournemouth show alcohol attributable hospital admission rates which are significantly higher than the England average

LICENSING ACT 2003

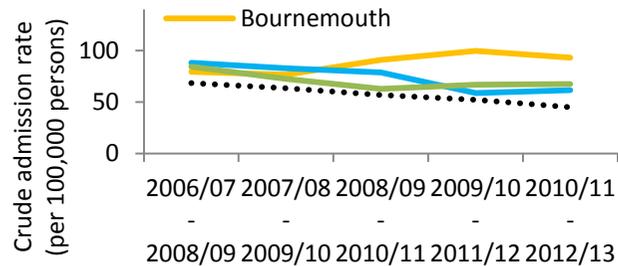
SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

**Alcohol related admissions  
(2012/13)**



- The rates of alcohol specific admissions for under 18s have increased in Bournemouth in recent years, they are significantly higher than the England average

**Under 18s alcohol-specific admissions**

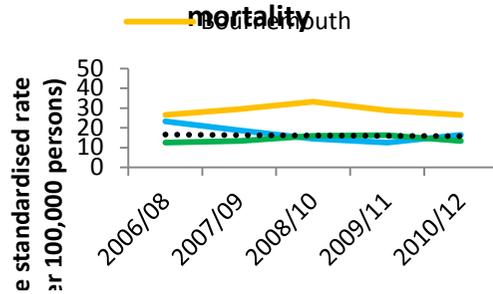


LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

- Having reached a peak in 2008/09 male chronic liver disease rates in Bournemouth have declined in the most recent years, however they are still significantly higher than the England average

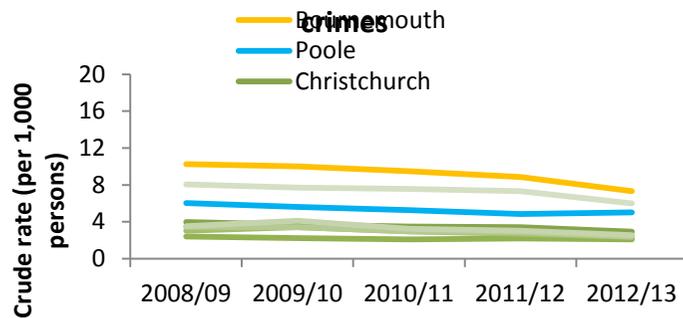
**Male chronic liver disease**



Alcohol related crime

- Alcohol related crime has decreased since 2008/09, however Bournemouth has one of the highest levels of alcohol related crime, and the alcohol related crime rates significantly higher than the England average
- Alcohol related violent crime rates in Bournemouth are also significantly higher than the England average

**Alcohol-related recorded crime rate: All**



LICENSING ACT 2003

SCHEDULE OF RESPONSES TO PUBLIC CONSULTATION ON PROPOSED STATEMENT OF LICENSING POLICY 2015

**Alcohol related recorded crimes**

..... En... (2012/13)

