

Consultation Responses Log

Response	Summary of points raised	Amendment to Draft Policy
Response 1	Missing golden opportunity for the Policy to support the Corporate plan and the Council's ambitions for the Environment.	<p>Amended paragraph 14.2 to read:</p> <p>“This Licensing Authority will support the Council’s priorities and in particular:</p> <p>Our Environment - Keeping a clean, green District for future generations by reducing waste; striving with business to make South Derbyshire carbon neutral by 2050; enhancing the appeal of Swadlincote town centre as a place to visit and improving public spaces to create an environment for people to enjoy.</p> <p>Our People - Working with communities and meeting the future needs of the District by helping tackle anti-social behaviour & crime through strong and proportionate action; promoting health and wellbeing across the District;</p> <p>Our Future - Growing our District and our skills base by encouraging and supporting business development and new investment in the District and providing modern ways of working that support the Council to deliver services to meet changing needs.</p> <p>This will demonstrate Licensing’s commitment to the Corporate Plan without placing any onerous burdens on the Department allowing Licensing to be flexible in their approach.</p>

Response 2	Full support of the introduction of the Policy	No amendment to the Policy.
Response 3	Concerns over reports of littering at Festivals and would like Licensing to control this through the Policy.	<p>Unable to add blanket conditions to a premises licence or Policy. Amended paragraph 11.3 to include the following sentence with regards to littering festivals:</p> <p>‘With regards to festivals, this would include litter picking in the vicinity of the premises including laybys and potentially surrounding villages. The extend of the ‘vicinity’ would be agreed in advance with the Licensing Authority within the Event Safety Management Plan’.</p> <p>The Licensing Department has not received any reports of littering but this added sentence will require each applicant to consider littering during their event. The Licensing Department will continue to work with each applicant and premises licence holder on a case by case basis.</p>
Response 4	Confirmed change of address for Trading Standards.	Address amended.
Response 5	<p>The following points were raised:</p> <p>5.6 - Clarification of how Parish Councils are notified with regards to applications received.</p>	<p>Advised there is no mechanism within the Act to notify Parish Councils however the application is advertised on the premises, in the local newspaper and the Council’s website;</p>

	<p>5.12 - Is the sharing of objectors name and address with applicants compliant with data protection legislation?</p> <p>12.5 – children should be banned from premises known to have problems with drugs rather than just strongly considering limited the accessing of children.</p> <p>12.9 – shouldn't it be a zero-tolerance policy with regards to premises selling alcohol to children?</p>	<p>Confirmed the sharing of the information is compliant with data protection legislation as there is a lawful basis in sharing this information in that it is a legal requirement to share this information so the applicant may fully address the concerns raised in the objection.</p> <p>This section is taking directly from the section 182 Guidance issued by the Government. The Licensing Department are not permitted to add blanket conditions to any premises licence. Each case is decided on its own merits. The wording of this section allows the Licensing Authority to have discretion in the type of restriction to be applied depending on the circumstances ranging from limiting the hours to a total ban on children being permitted into the premises. With regards to known drug dealing problem, the Licensing Authority would work with the Police on this matter and take the necessary action against the licence to stop this from happening.</p> <p>It is illegal to sell alcohol to children and there is a zero-tolerance policy with regards to this however this is not stated in the Policy as each case is decided on its own merits. Action can and is taken on the first sale of alcohol but the action taken depends on the circumstances of each case. Even though one sale of alcohol to a minor is not acceptable, the Licensing Department endeavours to work with the premises to establish what has gone wrong and put measures in place so it does not happen again. If it does happen again then the fact the Licensing Department have attempted to work</p>
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	<p>Paragraph 13.7 states that a late TEN given less than 5 working days before an event to which it relates will be returned as void and the activities to which it relates will not be authorised. Is this correct? Is it not possible for the event (activities) to go ahead without any alcohol being involved?</p> <p>Paragraph 14.4 – This states the Licensing Authority will not refuse any licence application because the premises do not have planning permission. This is understood, but understanding if there is planning permission or not is not clear as the Planning Committee do not appear on the list of organisations in paragraph 14.3</p>	<p>with the premises licence holder strengthens our position in a review and/or prosecution. Experience has found that education is a better deterrent than a prosecution though the Licensing Department will take a prosecution on the first instance if the circumstances call for it.</p> <p>This is correct. Any reference to activities, is only referring to licensable activities i.e. sale of alcohol and regulated entertainment as this is what the TEN is authorising. Other non-licensable activities planned at an event can take place. Sentence amended to read 'licensable activities' to avoid any confusion.</p> <p>The Planning Authority are a responsible authority so receive a copy of every application received who will then establish if planning permission is in place or not. In most circumstances, it is in place however if it is not then this would not be a reason for refusal. The applicant is advised to obtain planning permission before they use their licence otherwise Planning Enforcement would take the appropriate action.</p>
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