

West Devon Borough Council

STATEMENT OF PRINCIPLES (Gambling Act 2005) CONSULTATION RESPONSE

NAME OR ORGANISATION	COMMENTS	APPRAISAL	SUGGESTED AMENDMENTS
<p>Mr Stephen Court</p>	<p>“I assume you have written to me personally as I am a licence holder. As you probably know then, I run the Wharf – mainly a live music venue – in Tavistock. Our average age group is 30-60 and because of this and the fact our clients are pre-occupied with the enjoyment of music, we therefore have very little issue with drunkenness.</p> <p>However, as I have very little opportunity to air my views on this very serious matter, I am replying to your request for any comments on the council’s policy.</p> <p>It is my opinion that 80% of the alcohol consumed by drunken people is purchased from supermarkets and similar cut-priced outlets. The fact is that most of the drunks are that way before they even enter a licensed premises. Having said that I have forty years’ experience of finding supermarket bottles of spirits hidden in every quarter of night clubs and discos. By the same token, cheap beer, cider and lager sales represent a vast proportion of supermarket sales.</p> <p>It is my opinion that so specialised is the sale and control of alcohol, that it should be handled only by those trained in its sales – that is mainly publicans</p>	<p>The restriction of alcohol sales at supermarkets and similar premises is not an issue which can be addressed through the licensing policy. It is a matter for central government as it would require a change to legislation.</p> <p>See section 7.7 Designated Premises Supervisors - All premises licensed to sell alcohol (other than certain community premises and Members’ Clubs), must adhere to the same requirement of having a ‘designated premises supervisor’ (DPS) who must hold a personal licence.</p> <p>Para 7.7.2: “Although not a legal requirement, the Licensing Authority recommends as good practice – in respect of premises licensed to sell or supply alcohol for consumption on the premises – that a Personal Licence Holder is on the premises at all times to make or authorise such sales or supplies. The Authority is keen to encourage the presence of properly trained staff on licensed premises.”</p>	<p>No amendment to policy required.</p>

	<p>and off-licences. I believe supermarkets and the like should be limited to the sale of wine – part of the food chain, and stopped from the sale of cheap alcohol.</p> <p>Thank you for reading this letter and hope that my views may have some effect on the liberal ways that licences are issued to the general public.”</p>		
<p>Ms Louise Harwood</p>	<p>“I am responding to the article in the Tavistock Times, inviting residents to comment & have a say about the new alcohol & entertainment licensing policy. I would like to put my concerns forward in relation to the HQ Bar and its frequent contraventions to their evening licence. I have had to contact the council before about HQ and this to which they said they were aware of some contraventions and they would keep an eye.</p> <p>Unfortunately the owner keeps pushing the boundary and I regularly see and have to experience the following</p> <p>The HQ Bar regularly has an over the number of people that it has the capacity to cater for. These people then regularly spill out on to and out of the area designed for smoking. I have filmed then drinking out of this area as well. The windows to the club are then opened to the venue so that the music blares out up till midnight after which the customers sit outside causing noise well on to 1am or later. This can occur during the week and causes disturbance. If the weather is hot (which isn't often at the mo) you can't open windows at night. There also seems to be on a Sunday night a reoccurring loud group that sit outside causing</p>	<p>Matters related to individual premises are not something that can be addressed through the policy and should be dealt with through the appropriate channels.</p> <p>Licensing staff and Environmental Health will investigate complaints relating to noise and disturbance from individual premises – see section 9 on Enforcement.</p>	<p>No amendment to policy required.</p>

	<p>noise disturbance and having children who need to get to sleep for school the next day this is causing problems</p> <p>The HQ Bar is billed as a cocktail/wine bar, I would describe the venue as a nightclub, especially at weekends and regularly causes disturbance. It is catering for numbers more than they should who then spill out on to the road front area making lots of noise however I have witnessed on a couple of occasions near miss collisions on the pedestrian crossing right outside the venue involving people in in drink from this venue.”</p>		
<p>Hilary and Richard Waller, Eastcott Vineyard & Winery</p>	<p>“Premises with existing premises licences who wish to include such a service should apply to vary their licence to add this activity.’ Existing holders of a Premises Licence have been required by law to ensure that alcoholic goods are only despatched from licensed premises. There has as far as I am aware been no requirement to notify the Council. I think it is unreasonable to now make any change retrospectively and allowance should be given for existing operators to notify the council without having to make this a formal licence change. The cost of a licence change is not inconsiderable and where businesses have been selling online for many years without issue, I cannot see what sense there is in erecting new barriers to their commercial operation. But I have no problem with requiring such businesses to make notification.</p> <p>The proposal in para 5.4.3 is disproportionate and places an over burdensome condition on existing premises licence holders who offer internet sales. Also I would not expect West Devon to vary in this</p>	<p>Legally there is nothing to prevent premises which hold a licence to sell alcohol for consumption off the premises to include an ‘alcohol delivery service’ without specifying this on their application. However, there are a number of risks associated with this operation, particularly in relation to underage sales.</p> <p>In respect of paragraph 5.4.3, applicants are encouraged to include conditions addressing this style of operation in their operating schedule. However, it would be unreasonable to force those that had been carrying on this activity with no issue for many years to apply to vary their licence to include additional conditions.</p>	<p>Amendment to final sentence in para 5.4.3 from “Premises with existing premises licences who wish to include such a service should apply to vary their licence to add this activity” to:</p> <p>“Premises with an existing licence permitting ‘off-sales’ who wish to include such a service as a new way of operating should consider applying to vary their licence to incorporate additional conditions to address the licensing objectives (this would usually be by way of a minor variation).”</p>

	<p>regard from what is current national policy. After all, online sales are almost certainly going to be distributed nationally i.e. not be for delivery within West Devon and typically to tourists who want a further supply of products that they enjoyed whilst visiting the area.</p> <p>However if this requirement is to be brought in then a) there must be a suitable notice period before it becomes effective in order to allow businesses to make application without removing their ability to trade and b) it should be be classed as a 'minor variation'."</p>		
Devon and Cornwall Police	Confirmation that no amendments required.	In support of the policy.	No amendment to policy required.
Fleur Barr, South Hams District Council and West Devon Borough Council BBfA lead Specialist	<p>"The Devon and Somerset Better Business for All (BBfA) Partnership are encouraging all members to incorporate the BBfA principles within internal regulatory Policy and Procedures. I have asked some members of the group for some examples, however I have put together something in the interim.</p> <p>I note many new Policies and Procedures are being produced now across the authority with different Regulators. Our Partnership is committed to embedding the BBfA principles now into all internal regulators Policy and Procedures. I hope if you are reviewing any you will consider the attached document please, or discuss the item further for consideration.</p>	<p>The Statement of Licensing Policy is relevant to many businesses across the District.</p> <p>It would therefore be appropriate to include reference to the Council's commitment to the BBfA Partnership's principles when dealing with businesses.</p>	<p>Insert at 1.5 wording recommended by the Devon and Somerset BBfA:</p> <p>1.1 West Devon Borough Council are fully committed to the Devon and Somerset Better Business for All (BBfA) Regulatory Services Partnership, which is endorsed by the Better Regulatory Delivery Office (BRDO), part of the Department for Business, Innovation and Skills (BIS). The purpose is to build a local partnership between businesses and regulators across Devon and Somerset to promote economic prosperity, whilst maintaining public protection. This document will ensure that the Regulator will work in accordance with the BBfA principles. In doing so the Authority will create an environment and culture which will support</p>

	<p>Better Business for All (BBfA) is not a short term project but a better way of working, which is mutually beneficial in times of austerity and beyond. The partnership is passionate about making a cultural change between businesses and regulators, which encourages the building of trust to establish good working relationships.”</p>		<p>our local businesses by making the activity that is being regulated easy to access, simple and clear to understand, whilst ensuring public protection.</p> <p>1.2 The Council will listen to business needs and act in an open and transparent way to help shape the way support is provided, this will be done following business consultations and throughout service use.</p> <p>1.3 Better Business for All is business-focused, using business-led improvements to create better regulation, support business growth and create a level playing field for businesses. In order to achieve this the Policy will be implemented in a consistent manner with competent enforcement staff who are working with the right attitudes and behaviours for the benefit of our Communities.</p>
<p>David Sexton, Environmental Health Officer, South Hams District Council and West Devon Borough Council</p>	<p>“The comments I have is that under public nuisance provisions perhaps there should be reference to noise management plans</p> <p>Under TEN's can a noise management plan be required for any live music after 11pm? I know there is no provision in the regs but can it be council policy that they provide one else EH are very likely to object, or I do need to suggest that via an EH policy?”</p>	<p>There is a separate document available for applicants with a more in depth list of factors and potential conditions to consider under ‘prevention of public nuisance’. However, noise management plans are a key consideration and could be added to the short bullet point list at 3.6.2.</p> <p>As the TEN process is meant to be a ‘light-touch’ process for one-off occasions it would be seen to be unreasonable to demand a noise management plan for any live music after 11pm. However, it would be useful to include reference noise management plans</p>	<p>Add under Prevention of Public Nuisance as a bullet point under 3.6.2: Noise management plan provided (where appropriate).</p> <p>an extra sentence in 14.8 (pg32-33): <i>When giving a TEN, the premises user should consider the promotion of the four licensing objectives. Organisers are strongly advised to contact relevant persons for advice at the earliest opportunity when planning events. Planning at an early stage may well minimise or avoid potential objections. Where amplified music is to be provided after 11pm, it is recommended that organisers provide a noise management plan</i></p>

		as a recommended consideration to avoid potential objections from Environmental Health when events involving amplified music (not just live music) finish after 11pm.	<i>with their TEN, as this is likely to be required by Environmental Health to avoid a representation.</i>
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