

**West Devon Borough Council**

**STATEMENT OF LICENSING POLICY (Licensing Act 2003) CONSULTATION RESPONSES**

NAME OR ORGANISATION	COMMENTS	APPRAISAL	SUGGESTED AMENDMENTS
<b>Eric Partridge, The Moorlander publication</b>	"May I just flag up in the list which appears on page 52 that the Chamber of Trade in Okehampton has been defunct for a good two years."	Appendix D on page 52 lists all the bodies consulted on the draft policy. The original draft version contained a list of all those we consulted five years ago and intended to contact this year. Due to changes since then some bodies no longer exist or have changed their name. Appendix D will be updated with the names of all those consulted this year.	Update to Appendix D to remove 'Okehampton Chamber of Trade' and other bodies that have since gone or been replaced.
<b>Fire Authority</b>	"Having reviewed the draft documents, the Fire Authority wish to offer no observations on this occasion."	In support of the policy.	No amendment to policy required.
<b>Sourton Parish Council</b>	The Parish Council consider this a thorough document and are happy with the current policy in the area.	In support of the policy.	No amendment to policy required.
<b>Tavistock Town Council's Development Management and Licensing Committee</b>	The Members considered the draft Policy, which detailed the proposed changes in red.  During the ensuing discussion particular reference was made to;	In support of the policy.	No amendment to policy required.

	<ul style="list-style-type: none"> <li>• the current situation with regard the COVID-19 pandemic, and the changes in Government Regulations which were anticipated would unfold over the coming weeks;</li> <li>• that any updated Policy would be in effect for the next five years, until the next review (five-yearly cycle);</li> <li>• the extensive section on Safeguarding, which was welcomed, which not only applied to children but also vulnerable adults;</li> <li>• the new commitment to partnership working, which was also welcomed;</li> <li>• the clarification on what were considered as off-sales, and those considered on-sales.</li> </ul> <p>RESOLVED THAT the draft Policy be supported, and welcomed. This decision to be submitted to the Licensing Authority.</p>		
<p><b>Okehampton Town Council's Planning Committee</b></p>	<p>Okehampton Town Council's Planning Committee considered the consultation at a meeting held on 25th September 2020 and agreed to the proposals subject to the amendment of the wording in clause 5.4.3 to include the words 'to WDBC' as follows: 'Alternatively, the authority may advise the individual to request their local councillor make a representation to WDBC on their behalf'.</p>	<p>Para 5.4.3 is within the 'Anonymous Representations' section of the policy. Paras 5.4.2 and 5.4.3 state:</p> <p>5.4.2 Where the authority considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the authority may consider alternative approaches. For example, the authority may advise the individual to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations, if appropriate and justified.</p>	<p>If it helps clarify this section, it is proposed to add the words 'to WDBC' as requested.</p>

		<p>5.4.3 Alternatively, the authority may advise the individual to request their local councillor make a representation on their behalf. Where appropriate, the authority may decide to withhold some or all of the person's details from the applicant. The authority will only withhold such details where the circumstances justify such action.</p>	
<p><b>Portman Group</b></p>	<p>"We appreciate the reference to the Portman Group Code of Practice in the document guidance section. We know that several other authorities have included a brief description of the Portman Group Code of Practice and contact details in their document annexes. If you were to consider such a text to encourage retailers in your area to abide by Retailer Alert Bulletins to remove irresponsible products and promotions, we might suggest including the following:</p> <p>The Portman Group Code of Practice  The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to</p>	<p>The Portman Group is the social responsibility body and regulator for alcohol labelling, packaging and promotion in the UK.</p>	<p>The 'Portman Group Code of Practice' is referred to at 2.4.1(iv) under Guidance available to the Licensing Authority when making licensing decisions.</p> <p>To include a full description of the Portman Group here would require similar for all the guidance documents referred to. It is also preferred that specific contact details and links to documents are not included in the main policy document due to changes that may occur before it is next updated.</p> <p>It would be more helpful if the information regarding the Portman Group was included on our website and applicant guidance documents, rather than within the Licensing Policy itself.</p>

	<p>replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups..</p> <p>I would also highlight the latest edition of the Code of Practice, which was published last year and contains several new important updates including action to target offensive marketing and associations with illegal behaviour.</p> <p>I would also highlight the following technical points</p> <ul style="list-style-type: none"> <li>• We have recently moved office and our new address is Millbank Tower, 21-24 Millbank, London SW1P 4QP</li> <li>• Our new telephone number is - 020 3925 5704</li> <li>• We plan on launching a dedicated page to our Retailer Alert Bulletins on our website soon, which will help aid licensing officers and retailers in viewing the most recent and past decisions from the Independent Complaints Panel.”</li> </ul>		
<p><b>Elizabeth Rickeard, Bere Brewery</b></p>	<p>“I've read through the draft policy, and there are no issues or objections that I wish to raise - it appears more comprehensive with some good clear guidance especially in areas such as CSE.</p> <p>For some, the 'exceeding of statutory requirements', proactively seeking views of local residents, councillors and businesses, may result in additional difficulties and delays where there are</p>	<p>In support of the policy.</p>	<p>No amendment to policy required.</p>

	members of a community that are resistant to and fearful of change, or who feel a need to exercise power, but of course ideally good communication at this point should forestall problems at a later date.”		
<b>Louisa Daley, Community Safety Partnership</b>	<p>Para 3.8.27 – Include ‘vulnerable adults.’</p> <p>Para 3.8.31 – Include ‘human trafficking and modern slavery.’</p>	<p>The Community Safety Partnership is one of our main sources of advice on safeguarding. The proposed amendments are welcomed and will be incorporated into the policy.</p>	<p>Amendments</p> <p>3.8.27 – Safeguarding not only includes physical or sexual harm, but psychological, emotional and financial harm and neglect. Where there are risks to children’s and <b>vulnerable adults</b>’ well-being, every step should be taken to ensure their safety.</p> <p>3.8.31 – The Licensing Authority is working together with other agencies to help tackle issues surrounding safeguarding, particularly child sexual exploitation, <b>human trafficking and modern slavery</b>. Further information for operators and their employees on the types of issues to be aware of and good practice in relation to safeguarding is at Appendix F.</p>