



Cumulative discussion points raised from Pub Watch members in response to Consultation draft of a statement of licensing policy – July 2015 – FAO Kathryn Ashton SBC

Before I list our thoughts on the draft the following statement has been made by a members legal counsell upon reading the draft:

‘Bear in mind that the over riding principle is that each application etc has to be considered on it’s merits, and the licensing committee’s discretion only kicks in if there has been a “relevant representation” to an application, or of course the matter concerns such as a review.

But of course the licensing authority itself has the power to make representations, which may be likely if its policies are not strictly adhered to and appropriate conditions adopted in an application. It will give a great deal of leverage to the Police.’ Does this not impose a catch 22 upon us all Kathryn? We should be considered on merit but by failing to comply we may make ourselves vulnerable to further action.

All points will be referred to by their Policy ref number as dictated in the draft:

- 2.3 – What exactly is expected to formally be a part of the ‘Operating Schedule’?
- 2.4 – This point is a bit ‘wooly’ – What exactly is ‘neighbour friendly’?
- 2.8 – Although we all have CCTV is this stringent policy not OTT? If a premises has no history of problems or is deemed ‘low risk’ why the blanket insistence? Although there is a pre-fix of ‘normally expect’ (as with many other areas in the draft!) there is an over riding feeling that the authorities will seize upon this and use it as a reason for the practice to become the ‘norm’
- CD2 – Door supervisors: We all felt this was completely OTT. Several of us are open until 00:00 and have no history of issue within the time frame specified. The proposed timeframe of 23:30 shows little regard or research into our specific opening times or indeed I would imagine correlations of those times with spikes in ASB or crime. Would the authority really expect us to provide two security staff between 22:00 and 00:00 on a Monday evening for example? We certainly don’t think we should.
- CD3 – Glasses/plastic: Again this is entirely unfair. This is a blanket policy regardless of individual merit or circumstance. Specific risks should be measured and managed accordingly and not imposed upon the whole group. Again the time of 23:30 is



unrealistic. How many venues close at this time or is this a stealthy way of pushing us towards this?

- CD4 – Drugs – Similar to above. Blanket policies are unfair. The police should provide evidence bags for drug finds and we may arrange to have them picked up. Imposing a drug register is also too broad as is the idea that everyone will actually have a 'chill out' area..
- CD5 - DPS: Would you be able, if this part of the license is passed, actually be able to hold up this policy in court? We find it unlikely. It is grossly unfair to suggest a DPS must live within 30 mins of their premises. How do you quantify 'normal' commuting distance? What factors affect this controlled range? How would you go about checking this if required to?
- PN3 – Opening hours: The following thought again came from legal council 'That is nonsense. In fact it can add to the problem by getting everyone to disperse at once. What about the persistent arguments that there would be less pressure on transport and less hot spots and nuisance if there was a gradual dispersal? An easy way round would be to offer late night refreshment, which is a licensable activity, for hours after the end of sale of alcohol/entertainment to achieve the required result. Not thought through properly!'
- PN4 – Outside areas: As many of us have outside areas this is entirely unacceptable. The policy states 'primarily residential areas' for business' affected but this is in no way a guarantee that anyone else will not be prohibited. It's sneaky to be frank. I was also under the impression that the new regime on live music for unregulated hours allowed for regulated entertainment until 23:00 hours inside or outside? The whole policy seems to be worded to affect the business' in residential areas but can clearly be applied to us all.
- PCH2 – Ch25 – Although many operators already use this policy many of us do not. We feel the wording should reflect a more neutral 'challenge age' approach so we can decide if we prefer to use ch21 or ch25 ourselves.

In closing there are a few points we would make: any new applicant should not be cowed by the new Policy as it will be possible for them to argue that under each relevant policy it should not apply, and we would remind the committee that they cannot impose blanket policies and that each application must be considered on its merits. We however worry that this will increase the risk of representations (notably from the police and/or licensing authority) if the policies are not offered as conditions, and it will require considered and careful preparation of each application.

Thanks and Kind regards – Swindon town Pub watch