

FYLDE BOROUGH COUNCIL

LICENSING POLICY 2016-2021
CONSULTATION

UNDER THE LICENSING ACT 2003

REPRESENTATIONS and RESPONSES RECIEVED

Consultation Period: 21st September 2015 to 22nd November 2015

Issued November 2015

REVISED LICENSING POLICY - SCHEDULE OF RESPONSES

Relevant Paragraph of Policy	Respondent	Comments Received	Assessment of Comments	Recommended Action
Whole Document	Hon Alderman BJ Whittle OBE Fylde Community Partnership	The document represents a reasonable policy for the licensing and gambling and allows for the appropriate representation to be made to any change of conditions. This policy contributes to the wellbeing and safety of people in the Fylde.	The response is in relation to both the Gambling and Licensing Policies which are under review. No action is required.	No policy change required
Whole Document	The Rt Revd Julian Henderson Bishop's House Ribchester Road Clayton Le Dale Blackburn BBI 9EF	Thank you for the paperwork about the review of both your Licensing and Gambling policy and for this period of consultation. One of my team have read through the draft policies and confirm that what you propose is good and proportionate. At one level I would want to reduce the opportunities for gambling, as it usually hurts and harms the most vulnerable in our society. Similarly I would want to reduce the opportunities for purchasing and drinking alcohol, as so many people's lives are ruined by excessive alcohol consumption. But I know we have to deal with where we are rather than where we would like to be. Thank you for all you are doing to keep the situation as under control as possible.	As above.	No policy change required

Whole Document	Peter Bell Network Control Manager Community Services Lancashire County Council	Further to your letter dated the 22 nd September regarding your review of the licensing policy statement due to be published in January 2016. I would like to confirm that Lancashire County Council do not have any comments, in relation to the highways service, on the policy. A copy of the document has been passed to our Public Health colleagues who will respond separately should they have any comments on the document.	Not applicable	No policy change required
Whole Document relating to Key Messages	Naphthens Solicitors	<p>Clause 4.3 states that <i>“whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not. However, if an application does attract a representation, leading to determination by members, applications that demonstrate that proper consideration has been given to Wyre Key Message statements within this policy will be looked upon favourably.”</i></p> <p>This could mean that if the key messages are not offered, the applicant is more than likely to attend a licensing hearing. As you know some applicants do not feel confident or comfortably in attending a licensing hearing without representation. As you will appreciate representation costs the applicant’s money. I understand that some of the key messages are quite reasonable and mirror the legislation or law. However,</p>	Both Fylde and Wyre Councils are currently reviewing the Licensing Policies and the policies are similar apart from some differences within the key messages. The response was initially sent to Wyre Council but subsequently copied to Fylde, hence references to Wyre in the response.	No policy change required.

		<p>there are some key messages that I would advise some applicants to avoid, such as:</p> <ul style="list-style-type: none"> - Key message 01: Licence applications should normally be from premises where: a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015. b) The hours sought do not exceed those authorised by any planning permission. Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives. My concern is that planning and licensing are two separate regimes. Licensing applications can be made without planning in place and can apply for later hours than those granted by planning. Of course, the premises will have to abide by which ever hours are the earliest but it should not hinder a licensing application. - Key message 07: If representations 	<p>In response to key message 1, we acknowledge Licensing and Planning are two separate regimes and that a lack of appropriate planning permission on its own would be sufficient for a representation to be relevant.</p> <p>We are seeking to clarify at an early stage that where appropriate planning permission is not in place, the operating schedule should demonstrate that the operation of the premises will not be detrimental to the promotion of the licensing objectives.</p> <p>Acknowledged but the Fylde Key Message refers</p>	
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