

Reference	Respondent	Comments	Action taken /comments
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Members will note that some comments in this appendix reference the guidance contained within S182 Guidance to the Licensing Act issued by the Home Office. Paragraph 1.9 of that guidance states: “Section 4 of the Licensing Act 2003 provides that, in carrying out its functions, a licensing authority must “have regard to” guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken”.

Email rec'd 20/10/20	Cllr M Fitzgerald	Page 7 – Reference to pubwatch scheme and Best Bar None. The OPCC discontinued funding for pubwatch as of September. I don't think the scheme exists anymore.	Point raised with the Police. They responded that pubwatch schemes will still be part of the process and life of licensed premises, but how that looks has not been resolved yet. It could be tasked to the PCSOs for the area but they are trying to build a plan. Noted: to retain the reference to pubwatch in the policy and no amendment necessary
Phone call 22/10/20	Cllr R Munby	Para 8.5 - Spelling mistake	Amendment recommended

		<p>No mention of pandemics in the policy. Could any reference to it be put in with the expectation of co-operation of licence holders to such situations and penalties for acting illegally or irresponsibly and not respecting emergency measures?</p>	<p>Comment – It is a public health issue. Health is not one of the four licensing objectives. Environmental Health and Cumbria Police would take the lead on advice and compliance. Additional licensing issues/breaches would be dealt with on a case by case basis. Covid shouldn't be specifically mentioned but the responsibilities of a Designated Premises Supervisor can be expanded.</p> <p>Amendment recommended to paragraph 5.8 to expand on the responsibilities of the Designated Premises Supervisor: “Are able to respond to problems and changes quickly and responsibly including the implementation of government guidance and legislation. To meet with responsible authorities and/or local residents and ensure adequate direct management of individual premises in a timely manner”</p>
<p>Email rec'd 21/10/20</p>	<p>Keswick Town Councillors. Not endorsed by Keswick Town Council due to no meeting before the close of consultation</p>	<p>Para 3.3 Scope - Delete: 'A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people.' Add: 'Regular incidences of bad behaviour by customers close to the premises will lead to a review of the licence.' Reason - As currently written, 3.3 absolves the licence holder of any responsibility for activities outside the</p>	<p>Comment – S182 Guidance to the Licensing Act 2003 (the guidance) published by the Home Office, paragraph 1.16 includes under its heading “Licence Conditions”: “Licence conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the</p>

		<p>premises. The description ‘away from the premises’ is far too loose.</p> <p>Para 5.0 Licensing Objectives - Add: ‘Licence applications will be copied in a timely manner to the relevant Parish Council for comment.’ Reason - Planning applications are made known to the local council and neighbours of the premises. Licensing applications (and variations) have the same potential for disruption and should mirror the same procedure and provide an opportunity for a similar local review and correspondence.</p> <p>Page 12 Littering - Add: ‘Single use plastic items are discouraged and take away containers should be recyclable or compostable’</p> <p>Para 8.25 Review of Licences - Delete: ‘No more than one review from a person other than responsible authorities will normally be permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.’</p>	<p>licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave”</p> <p>Recommend – add wording “Regular incidences of bad behaviour by customers under the direct management of the licence holder and staff may lead to a review of the licence”</p> <p>Amendment recommended with the following proviso – Applications for new and full variation applications to be circulated to the town/parish council for the area for consultation within the statutory timescales as contained within the Licensing Act 2003.</p> <p>Amendment recommended – Environmental Health consulted on this proposal and in agreement</p> <p>Comments – S182 guidance para 11.13 provides guidance on this aspect. “It is for licensing authorities to judge what should be regarded as a reasonable interval. However, it is recommended that one review originating from a person other than a</p>
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<p>Email rec'd 26/10/20</p>	<p>Cllr N Cockburn</p>	<p>Add 'No more than one review from a person other than responsible authorities will normally be permitted within any 6 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.' Reason - 12 months is too long for a complainant to have to wait to prove they were right.</p>	<p>responsible authority should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order” In addition a review process would take almost 3 months to complete. The application is consulted on for 28 days, up to 20 further days for a hearing and the decision does not take effect for 28 days. One power of the Licensing Panel is to suspend a licence for 3 months. Paragraph 11.10 of the guidance stipulates that where there are concerns about problems identified at a premises, it is good practice for to give licence holders early warning of the concerns and the need for improvement. A failure to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.</p> <p>Amendment noted and recommend no change due to the expectation of co-operation in the first instance and the lengthy review process before reaching a conclusion. The policy does already state that applications will be accepted within a 12 month period if</p>
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Email rec'd 26/10/20	Cllr M Heaslip	Agree and support Councillor Cockburn's proposed amendments.	Amended recommended as above
Email rec'd 29/10/20	Cllr E Lynch	<p>Agree and support Councillor Cockburn's comments and recommendations on consultation.</p> <p>Para 5.6, 5.9, 6.1, 8.6 (and remaining document) DPS – Replace all the 'his' with 'their' Reason – to make it gender neutral.</p> <p>Para 12.13 EMRO – To be sent to Ward Councillors, Town Councils and local residents too. Reason – To get the views of the community.</p>	<p>Amendment recommended as above</p> <p>Comment – Under paragraph 4.0 (General Matters) of the draft policy definitions are given. This includes: "Words denoting any gender shall include all genders, words in the singular shall include the plural and vice versa, and words denoting persons shall include firms and corporations"</p> <p>Noted – Recommend no amendment necessary</p> <p>Comment – S182 Guidance paragraphs 17.11, 17.12 and 17.13 specify the process to follow when proposing an EMRO, who must be consulted and how it must be advertised.</p> <p>Recommend – Ward Councillors and Parish/Town Council for the relevant area be notified of the proposal. As an EMRO could cover potentially a large area, the notices required to be</p>

			displayed in the area and advertisement in local newspapers is sufficient for residents without separate notification.
Email rec'd 28/10/20	Bothel Parish Council	There is no mention of any incident related to Covid 19 restrictions etc. Is this just a public health issue?	<p>Comment – It is a public health issue. Health is not one of the four licensing objectives. Environmental Health and Cumbria Police would take the lead on advice and compliance. Additional licensing issues/breaches would be dealt with on a case by case basis</p> <p>Recommend – Amendment to paragraph 5.8 as above and response noted and acknowledgement sent to Bothel Parish Council.</p>

5.11.20