

Statement of Licensing Policy 2021 Consultations

No	Consultee	Comment	Officer Recommendation	Licensing Board Decision
1	Public	As a long time resident of Wells my friends and I urge you to keep the Market place available for us to enjoy refreshments and the delightful ambience of the square. We don't want to lose our lovely local traders to yet more chains!	Noted but not relevant to this policy	Officer Recommendation Agreed.
2	Public	I would like the outside eating areas in market place in wells to continue please. It makes the area so much nicer when everyone can eat outside.	Noted but not relevant to this policy	Officer Recommendation Agreed.
3	Public	The Market Place is Wells Jewel in the Crown to have it as an open space for food and drink with a wonderful atmosphere and must be retained along with replacing the awful plastic barriers with movable railings in keeping with this lovely space	Noted but not relevant to this policy	Officer Recommendation Agreed.
4	Public	In my opinion, having the cafes and restaurants able to put chairs and tables outside in the street and square have given the atmosphere in the centre a positive lift. It looks and feels cosmopolitan, friendly and welcoming. I have only heard positive comments from their local people too.	Noted but not relevant to this policy	Officer Recommendation Agreed.
5	Public	Please keep the outdoor catering!	Noted but not relevant to this policy	Officer Recommendation Agreed.
6	Public	We have enjoyed using the eating and drinking facilities on the Market Square. We live in Street and go to Wells especially for the outdoor vibe.	Noted but not relevant to this policy	Officer Recommendation Agreed.
7	Public	Please ensure the Market Place remains pedestrianised (with traffic access where needed). The Market Place, with the cafes, bars etc. is the hub of Wells. The residents, businesses & visitors all benefit from making this a special social area without vehicles & parking. Make the pandemic a reason for changing Wells for the better - make the Market Place the best social place.	Noted but not relevant to this policy	Officer Recommendation Agreed.
8	Public	Please keep the tables and chairs, thanks	Noted but not relevant to this policy	Officer Recommendation Agreed.

9	Public	Please allow tables and chairs to remain on Wells marketplace. I believe they are a positive benefit to locals and tourists. They make for a lovely atmosphere. Thank you.	Noted but not relevant to this policy	Officer Recommendation Agreed.
10	Public	Very happy with Wells Market area with cafe seats and no cars. Must be nice for locals and tourists to sit and enjoy Wells.	Noted but not relevant to this policy	Officer Recommendation Agreed.
11	Public	I believe that the Market Place in Wells should remain as it currently is with no parking and more permanent seating for visitors and the cafes and bars. The red and white barrier should be replaced with permanent planters. The market stalls can go either side as they do at the moment. The vehicle access and parking should be monitored and apart from a couple of permanent bays for disabled parking, fine cars that park in the square.	Noted but not relevant to this policy	Officer Recommendation Agreed.
12	Public	In response to your invitation for comments regarding the licensing statement and policy, I write to declare my hopes that the outdoor seating that has been temporarily allowed on the Wells Market Square to allow the cafes and restaurants there to open under COVID restrictions, be made permanent. The tables, chairs and parasols have created a wonderful piazza environment, and they are never empty, even in poor weather. The architecture of the buildings around the square is incredibly beautiful and it is a joy to be able to sit amongst it with a coffee or a meal. It has proved to be a very popular destination for locals and visitors alike, the atmosphere is incredibly lovely and the square looks glorious, full of life and colour. It seems nonsensical to return the square to a carpark, as the spaces are clearly not needed or missed (the lack of them as made no difference to footfall in the area - in fact the seating on the square has resulted in INCREASED footfall), and it is surely preferable from a PR view point to have the square full of happy people spending money with local businesses, rather than full of dull, parked cars. The current arrangements have proven that required access to The Bishop's Palace, The Town Hall and the carpark for The Crown is not restricted or made any more difficult than it is twice a week on market day. As a resident of Wells, the overwhelming feeling among "us locals" is that the cafe seating on the square is a wonderful thing and should be retained - I hope the council will be minded to agree.	Noted but not relevant to this policy	Officer Recommendation Agreed.

13	MDC EH	The district contains five principal centres (?) of varying characteristics: Frome, Glastonbury, Shepton Mallet, Street and Wells.	I suggest that page is updated 5 to reflect the comment	Officer Recommendation Agreed.
14	Local Business	<p>2.5.4 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.</p> <p>1. Comment - Whilst I agree with the above in principle. If a residential property is created nearer the licensed premises than the existing residential premises, then it is unfair if a previously acceptable noise level has become unacceptable.</p> <p>2. There is a problem with urination in the towns: particularly at times when the public toilets are closed. could the LNL be used towards providing urinals, as are used elsewhere in the https://greenpee.nl/en/the-products/</p>	<p>1 – I suggest no change as this comment refers to the Agent of Change principle which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. In other words, the person or business responsible for the change must also be responsible for managing the impact of the change. This is more a planning issue than a matter for this policy</p> <p>2 – Link to be passed onto Neighbourhood Services for consideration as not relevant to this policy</p>	<p>1 - Officer Recommendation Agreed.</p> <p>2 - Officer Recommendation Agreed.</p>
15	Event	Having read the Licensing Policy, we recognise that a number of these are not relevant to ourselves, but we agree with what is in the policy in its entirety. We particularly like the fact that anyone applying for a TEN is subject to the same scrutiny and responsibilities as those applying for a Premises Licence. We think it is very important that ongoing communications between Premises Licence Holders and the Licensing authorities is pivotal to being able to meet the Licensing Objectives and to comply with the policy.	For information only	Noted.
16	Frome Town Council	Thank you for the opportunity to comment on the review of your licensing policy. One thing that we did notice; the exceptions/exemptions for regulated entertainment don't seem to be included or referenced anyway (e.g. acoustic performances between 8am and 11pm). Also – if you have it handy – is there a quick list or summary of the changes that are being made? You've suggested they're minor changes – so having them highlighted would be quite useful.	<p>List of changes and information on Live Music Act 2012 supplied.</p> <p>Received reply thanking for response and stating comments addressed, no further action required</p>	Noted.

17	Public	<p>Thank you for the opportunity to comment on the "Statement of Licensing Policy 2021-2026" document LA001.</p> <p>Here are my specific comments:</p> <ol style="list-style-type: none"> (page 1) My understanding is that there is no provision to retrospectively determine and publish a statement of Licensing Policy. Hence the effective date will be the date that the policy is eventually published. (Page 11) A little surprised that there is no change in the areas of concern over the last five years. Isn't the drug problem of 'County Lines' an area of concern? (Page 16) Has the Licensing Authority reviewed the need for a special policy on cumulative impact in last five years? (Page 16) The Environment and Community Protection team have expressed concern about cumulative impact of noise on the residents of Pilton from multiple events held at Worthy Farm. I suggest that serious consideration should be given to including a cumulative impact policy in this revision of the Licensing Policy. (Page 17 - 3.4.2) The Cultural Strategy has been removed - surely this is important for the context of Event Licensing and management? (Page 22 - 4.1.2) It should be mandatory rather than recommended that applicants liaise with neighbours and the community - particularly for 'large events'. (Page 31) I welcome the new section called "Sustainable Event management" - does this need more detail and specific requirements? <p>My general comments are:</p> <ul style="list-style-type: none"> Doesn't the policy need to reflect that more people are working from home and so, for example, the impact on residents lives may not just be in the evenings but also during the day. Aren't there other impacts from Covid-19 that need to be incorporated into this policy? For example reference to recommendations from the Director of Public Health? Glastonbury Festival numbers have increased (30,000?) since the last policy was written and there is detailed feedback from the 2019 Festival including concerns about noise - particularly 'bass beats' and the difficulty with controlling off-site facilities. How is this reflected in this policy determination? 	<p>1 – I suggest that this will be determined by MDC Legal Team</p> <p>2 – I suggest no change as County Lines is addressed within Safeguarding and other Community Safety Initiatives including the Mendip One Team</p> <p>3 – A Cumulative Impact Assessment has not been requested by the Police or any other Responsible Authority</p> <p>4 – A decision as to whether a Cumulative Impact Policy is needed is a decision of the Licensing Authority</p> <p>5 – This has been removed as there is no Cultural Strategy, but Licensing Board can consider if relevant to refer to the draft Tourism Strategy</p> <p>6 – We cannot make this mandatory as it is not a legal requirement</p> <p>7 – Given the variety of premises this policy relates to, the lack of current legislation to mandate plans and the continuous review of the Councils Emissions Pathway, more specific requirements are not appropriate. Although see point 20 below</p> <p>General Points</p> <p>Noted but I suggest no change as the Covid measures are stand alone and not for policy.</p> <p>This is a policy as required by the Licensing Act 2003 and not specific to Glastonbury Festival</p>	<p>1 - Officer Recommendation Agreed.</p> <p>2 - Officer Recommendation Agreed.</p> <p>3 – Officer Recommendation Noted. Chair addressed this in a response to a public speaker at the beginning of the meeting.</p> <p>4 - Officer Recommendation Agreed. No CIA needed, but will keep under review.</p> <p>5 - Officer Recommendation Agreed. Include in Policy.</p> <p>6 - Officer Recommendation Agreed.</p> <p>7 - Officer Recommendation Agreed. Links to 'Guide to running a sustainable festival' to be put into Policy – Cllr F Haydon to send to Licensing.</p>
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19	MDC ECP	<p>Make a textual amendment to 3.9.2 from:</p> <p>It is expected that all noise-related complaints are initially raised with the Council's Environmental Community Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are raised with the Licensing Team.</p> <p>To:</p> <p>All noise-related complaints are investigated by the Council's Environment and Community Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are investigated by the Licensing Team. There will be collaboration between the two teams to assist in reaching effective and appropriate outcomes for noise related matters.</p>	I suggest that the amendment be accepted	Officer Recommendation Agreed
20	Cllr	<ol style="list-style-type: none"> 1. Ban single use plastic glasses in the bars, must be hard plastic (or metal) and reusable. 2. Encourage non fossil fuel powered events. 3. Local beers in bars with lower carbon footprint. 4. High recycling rates, 70% plus and need to be proven with weighbridge tickets from recycling transfer stations. 	I suggest that at 4.7 Sustainable Event Management, an inclusion requesting event organisers consider these points	Officer Recommendation Agreed
21	Trading Standards	<p>2.4.4 – I don't think this is correctly phrased and question where licensing law allows a reclassification of a film. Might be better phrased as the licensing authority reserves the right to impose different age restrictions on admittance to film exhibitions from those imposed by BBFC classifications.</p>	<p>I suggest that at 2.4.4 – Change to:</p> <p>The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to impose different age restrictions on admittance to film exhibitions from those imposed by BBFC classifications.</p>	2.4.4 – Officer Recommendation Agreed
22	Public Health SCC	<p>HALO tool</p> <ol style="list-style-type: none"> 1. Although a statutory consultee on licensing policy and individual applications, the scope for public health considerations, in particular in respect of population alcohol harms arising beyond licensed premises, both short- and long-term is limited by the absence of a public health licensing objective. 2. To seek to address this deficiency, at least in part, we are developing a data mapping tool, based on the HALO tool developed by Wigan Council and a subsequent version by Leeds City Council. This will bring together a wide range of data sets from 	<p>1 – 3 – This refers to the work in development of analytical support packages (mapping tools) see - https://www.gov.uk/government/publications/alcohol-licensing-pilot-of-analytical-support-package/findings-from-the-pilot-of-the-analytical-support-package-for-alcohol-licensing to support Public Health Teams and suggest that 3.1.3 deals with this by requesting the LA to support any relevant strategies or policies</p> <p>4 – I suggest that this is covered by Mandatory Condition, irresponsible promotions</p>	<p>1-3 - Officer Recommendation Agreed</p> <p>4 – Officer Recommendation Agreed</p>

		<p>crime and health sources to provide mapping of relative levels of alcohol harm by Lower Super Output Area(LSOA).</p> <p>3. We would ask that the policy incorporates this mapping into licensing considerations, with applications in areas of relatively high alcohol harm more likely to be subject to either refusal or stricter conditions. The mapping may also inform policies on cumulative impact. This tool will also assist the public health team in responding to applications.</p> <p>Cheap Drinks</p> <p>4. In the absence of Minimum Unit Pricing, we would like the statement to discourage licensees from offering cheap drinks, both as price promotions for on licences, designed to encourage drinking such as “happy hours”, and low cost high strength ciders etc that are known to be the drinks of choice for problem drinkers from off licences. Is it possible to suggest to prospective licensees to include in their application such a commitment as a voluntary condition?</p> <p>Petrol stations</p> <p>5. We note the trend in recent years for petrol stations to become licensed, often as part of a convenience store development, but not always. Could the policy statement be more explicit about the method of calculation that MDC will accept for determining if alcohol sales can be licensed at such establishments? Also, are there any data to suggest that the licensing of petrol stations for alcohol sales, with late or 24 hour sales, is linked to drink driving or increased collisions in the area?</p> <p>Protection of Women and Children</p> <p>6. We know alcohol is closely associated with domestic violence, affecting both women and children in particular. We will use the proposed HALO tool to identify areas where domestic violence is high, and will likely object to new off licence applications and variations seeking extended hours.</p> <p>Alternatives to alcohol</p> <p>7. We would wish the statement of licensing policy to encourage licensees to have a good offer of</p>	<p>5 – I suggest that this is covered in 4.2 and Section 182 Guidance, can be licenced if the premises are not primarily a garage. Data on drink driving would be held by the police</p> <p>6 – I suggest that this is noted</p> <p>7 – I suggest that this is noted but not considered a matter for this policy</p> <p>8 – The application form is a statutory form. The applicant is required to give a general description of the premises at page 4</p> <p>9 – In promoting the Licensing Objectives, advice is readily given but does not have to be taken. RA’s can contact the applicant directly if they require more information. Web site has been updated with new guidance.</p>	<p>5 – Officer Recommendation Agreed</p> <p>6 – Officer Recommendation Agreed</p> <p>7 – Officer Recommendation Agreed</p> <p>8 – Officer Recommendation Agreed</p> <p>9 - Officer Recommendation Agreed</p>
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23	Public	<p>General</p> <p>1. The period of applicability of the proposed Licensing Policy Statement</p> <p>1. MDC can not back date a license policy statement. Licensing decisions must take account of this statement. Decisions between the expiry of the last Policy Statement until the formal introduction of this new Statement can not have taken account of the new Statement as it either did not exist or was not formally approved. It is misleading and a knowing misstatement on the public record) to date it other than when it is formally approved and issued</p> <p>Specific Comments</p>	<p>1 – This will be determined by MDC Legal Team</p> <p>2 – The consultation has been widely circulated, advertised on our website, and social media</p> <p>3 – I suggest that this comment is covered in section 4.6</p> <p>4 – I suggest no change as each case will be considered on its own merits</p> <p>5 – I suggest no change as this comment would be a matter for an individual licence</p> <p>6 – Legislation dictates that licensing and planning act independently of each other but planning are a Responsible Authority under the Licensing Act 2003 and as such receive all new and variation applications</p>	<p>1 – Officer Recommendation Agreed</p> <p>2 – Officer Recommendation Agreed</p> <p>3 – Officer Recommendation Agreed</p> <p>4 – Officer Recommendation Agreed</p> <p>5 – Officer Recommendation Agreed</p> <p>6 – Officer Recommendation Noted, not relevant to this policy</p>

	<p>2. Your draft states</p> <p>1.4.1. Before determining its policy for any five-year period, the Licensing Authority will consult the following: -</p> <ul style="list-style-type: none"> •.....residents in the District ‘ <p>As a resident of the District I believe that MDC has failed to adequately communicate this important consultation. After all this is a primary point of reference for licensing decisions that fundamentally affect our lives. It is not a mere administrative matter. I would not have found out about this had I not had to become involved in an important license application earlier this year. The majority of the residents in the District will be completely unaware of this consultation. Furthermore those who are will not necessarily find the length of this document and the time it takes to respond appropriate.</p> <p>The period of response to the consultation has been inappropriately short. The draft was posted (with ‘no notification’) on 2 June, four weeks ago. Since then, in Pilton, interested parties have also had to contend with matters relating to other applications relating to 4 other applications relating to Worthy farm which has been an undue consumption of our time and illustrated the inadequacies of the licensing process.</p> <p>It is clear that MDC has not anticipated many being able or encouraged to respond to this limited consultation exercise in that the posted closing date is 30 June and the stated approval date is 7 July.</p> <p>MDC should re run the consultation exercise with adequate time; proactively making efforts to reach all residents and make it more accessible in terms of clarifying/condensing it into ‘how does the document and policy more generally affect me’.</p> <p>3. Your draft states:</p> <p>‘1.5.10 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area and any anti social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures</p>	<p>7 – For the Licensing Board to comment upon, though I would expect the Police to lead on this aspect in relation to the crime and disorder objective</p> <p>8 – A Cumulative Impact Assessment has not been requested, it is usually requested by Police or other RA’s due to problems in a town centre area</p> <p>9 – This is not a legal requirement</p> <p>10 – I suggest no change as the practice is a sensible approach and part of the mediation process</p> <p>11 – I suggest no change as not relevant to this policy. See amendments suggested in 18 and 19</p> <p>12 – I suggest no change as legislation dictates advertising of applications</p> <p>13 – I suggest no change as each case will be considered on its own merits</p> <p>14 – I suggest no change as each case will be considered on its own merits and all Responsible Authorities receive new and variation applications to comment upon</p> <p>15 – I suggest no change as it is a recommendation not a legal requirement</p> <p>16 – I suggest no change as 4.6.5 refers to the very early stages in considering an event and maybe just referencing to event guides</p> <p>17 – I suggest that this comment is covered within the Licensing Act 2003 as provision is made for any person or Responsible Authority to call a review</p> <p>18 – I suggest an amendment to 4.6.14 to include local residents</p> <p>19 – I suggest no change as the requirement for plans is set out in the Licensing Act 2003</p> <p>20 – I suggest no change as the lead times are reasonable</p>	<p>7 – Officer Recommendation Agreed</p> <p>8 – Officer Recommendation Noted. Chair addressed this in response to a public speaker at the beginning of the meeting.</p> <p>9 – Officer Recommendation Agreed</p> <p>10 – Officer Recommendation Agreed</p> <p>11 – Officer Recommendation Agreed</p> <p>12 – Officer Recommendation Agreed</p> <p>13 – Officer Recommendation Agreed</p> <p>14 – Officer Recommendation Agreed</p> <p>15 – Officer Recommendation Agreed</p> <p>16 – Officer Recommendation Agreed</p> <p>17 – Officer Recommendation Agreed</p> <p>18 – Officer Recommendation not agreed as this refers to dealings with the applicant & Responsible Authorities such as Safety Advisory Groups & Multi Agency Partnership meetings.</p> <p>19 - Officer Recommendation Agreed</p> <p>20 - Officer Recommendation Agreed</p>
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		<p>and actions consistent with that responsibility.’ ‘.....the Licensing Authority will primarily focus on the direct impact of the 2003 Activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.’</p> <p>These fundamentally issues get little coverage in your document . I would expect there to be guidance or a statement of expectations in particular in relation to large and repeated events that have the potential to massively impact the local community</p> <p>4. Your draft states</p> <p>‘2.5.4 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.’</p> <p>The Statement should set out clear expectations in this respect (in consultation with residents) Recent licensing considerations relating to GFELs application for concerts in Pilton indicate that MDC backed off its requirements in favour GFELs wishes and to the detriment of the residents; and in doing so -without any explanation or apparent good reason- allowed noise levels that were in excess of the Glastonbury Festival which is held in the same area.</p> <p>5 Ancillary activity</p> <p>Your draft states</p> <p>‘2.5.5 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for licensable activities.’</p> <p>The Licensing Authority should limit activity ancillary to the main licensed event to the minimum required; and set clear conditions for this period to promote the license objectives.</p>		
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	<p>For instance in Pilton we have learned that MDC have just approved a 3 month build period connected with the concerts for which GFEL has already been granted a license ; theoretically with permission for 1000's of people being on site , extending into unsocial hours, people camping on site and the potential for nuisance arising from significant amounts of traffic etc .</p> <p>Your document should make it clear that all ancillary activity should be controlled under the license conditions or if this is not provided for in law (I have not time to check this) then at the minimum MDC should state its expectations.</p> <p>6. Your draft document states</p> <p>'3.1.1 The Council recognises that Licensing functions under the 2003 Act are not the only means of promoting the principles behind the Licensing Objectives. Delivery includes working with Planning,.....;'</p> <p>'3.5.4 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant or vary a licence but only if relevant representations are received';</p> <p>'3.5.5the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation';</p> <p>'3.5.6 Where premises have not obtained such consents or licences, they will be liable to enforcement action under the appropriate legislation.'</p> <p>'3.9.6 The Licensing Authority recognises that this Policy and the promotion of the Licensing Objectives relies on partnership between all the parties. Therefore, where there are any concerns identified at the premises, or there is need for improvement, the Licensing Authority shall work closely with the parties at an early stage to address these concerns.'</p> <p>It not evident that MDC delivers on these statements MDC. Licenses have been granted to premises that have</p>		
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		<p>no planning permissions and there is little or recently no appetite for enforcement.</p> <p>Therefore there should be a clear statement that the operation of a licenses contingent on premises having the correct planning authority and if it has not then the license is null and void.</p> <p>7. Areas of Concern</p> <p>Under the section of the policy entitled Areas of Concern the document talks about problems that might be associated with premises selling alcohol eg injury from glass. Whilst mentioned later in your draft this part of your policy is silent on certain types of licensed events attracting the sale and use of drugs which in turn can give rise to problems that undermine the licensing objective. Your expectations should be given more prominence and more detail.</p> <p>8. Your draft states</p> <p>'3.2.1 A cumulative impact policy creates a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused, if relevant representations are received about the cumulative impact on the four licensing objectives.'</p> <p>'3.2.2 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years in line with the review of this policy to see if circumstances have changed and one is needed'.</p> <p>'3.2.3 In addition to the review each five years the Licensing Authority may consider a special policy on cumulative impact at any time if circumstances changed and evidence supported this course of action'.</p> <p>There are clear circumstances within the District which warrant a Cumulative Impact Policy. My community has been subject of grant of multiple planning permissions and licenses that impact the community over extended periods of time and year in and year out . A Cumulative Impact Policy should have been developed and included in this consultative document .</p>		
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		<p>The document should also make it clear on what basis it will not consider a cumulative Impact Policy. It would seem the threshold which requires such a policy is set too high. MDC's approach lacks transparency and has not been consulted upon with those who are affected.</p> <p>Furthermore the policy document is whole deficient in stating how MDC will properly and proactively engage the community in such circumstances so matters can be considered by the Council, Councillors, the applicant(s) and the community on a holistic way. The policy should incorporate good practice used elsewhere.</p> <p>I have previously suggest for example the Heaton Hall Community model. It was rejected by MDC seemingly based on GFEL's assertion (at statutory Hearing) that it had ample consultation with the community via the Parish Council; an assertion which is seemingly and unfortunately simply not true (ie there is no evidence of the claimed consultation took place. I strongly advocate arrangement along the lines of the Heaton Hall Community model and urge MDC to include this as policy for consideration of large repeated events or multiple events on the same site. Engagement of the community via the Parish Council has not been possible.</p> <p>Tensions run high on licensing and planning matters, can profoundly affect people and can divide a community. Where the existing arrangements on which MDC's rely are not working then MDC should promote alternative arrangements so residents can easily engage and without fear. This should form part of this policy statement.</p> <p>9. Your document states</p> <p>'3.3.1 Where appropriate, the Committee will take into account local strategies and policies. These will include: -</p> <ul style="list-style-type: none"> • Sustainable Community Strategy • Somerset Health & Well-Being Plan • Mendip's Climate and Ecological Commitment'. 		
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	<p>MDC should positively state when it approves a license how it delivers specific objectives of these other policies.</p> <p>'10. Your draft states</p> <p>3.7.1 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.'</p> <p>MDC has recently engaged in developing the applicant's operating schedule after the consultation period has closed and in doing so has agreed conditions with the applicant without the knowledge/without consultation with other consultees. This should be explicitly prevented by a suitable statement in the policy document.</p> <p>'11. Your draft states</p> <p>'3.8.1 The Licensing Authority has adopted an Enforcement Policy, available on the Council's web site.'</p> <p>'3.9.5 Where there is a serious complaint, the Senior Licensing and Business Support Officer shall ensure that it is investigated, and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the Enforcement Policy available on the Council's web site'.</p> <p>Whilst not the specific subject of this consultation MDC's enforcement practice is extremely permissive to the point of knowingly allowing events to take place without or in breach of planning permissions. This is a significant issue and should be suitably addressed as a matter of priority. Without this your (draft) policy statements at 3.5.5 and 3.5.6 are meaningless.</p> <p>12. Your draft states</p> <p>'3.8.10 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed. Notices for reviews shall</p>		
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	<p>be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.'</p> <p>'4.0.1 As the Regulations require advertising of all new and variation applications, the Licensing Authority recommends that the applicant contact them prior to displaying the statutory notice or advertising the application in a local paper circulating in the vicinity of the premises.'</p> <p>The policy should be that MDC will require that notices are proactively communicated and displayed in locations that will ensure members of the community will be made aware of applications that will affect them. Recent events in my community indicate MDC believe that notices mostly displayed in fields and the outskirts of the community will suffice. This is not only totally impractical since not everyone walk the fields or to the specific outskirts; and it is discriminatory since not everyone can do so.</p> <p>MDC should ensure that the complete the application is readily accessible to all consultees . MDC has recently stated it is not obliged to post all the details on its website. I contend it is obliged to do so. In any case there should be a policy statement that it will publish all details otherwise it completely undermines consultation.</p> <p>13 Your draft states</p> <p>'3.10.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people'.</p> <p>'3.10.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.'</p> <p>My response on the above includes a more general comment on transparency. MDC should be clear in its policy statement how it takes account of the potentially competing licensing objectives and cultural benefits but also any other claimed benefits such as to employment</p>		
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	<p>and the economy. These 'other' claimed benefits can not be at 'any cost ' to the community and MDC should consult on how it sees this balance should be struck and publish its policy in this document. At present its entirely unclear and appears entirely discretionary and without accountability. This absence significantly undermines the aims of this statement of policy.</p> <p>14. Your policy states</p> <p>'4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule'.</p> <p>MDC's policy statement must clearly define the level of detail and specificity required in an application such that the nature of the event, how the licensing objectives will be achieved and the impact on residents , businesses etc is totally clear. Otherwise it prohibits proper consultation. MDC should not permit any dilution by deferring 'working out' the details via mangement plans once the license is granted. Doing so removes some of MDC's authority and also excludes . Other Persons. I believe this is an abuse of process and MDC should not 'accommodate late or poorly detailed applications which shunts adequate assurances of how the license objective will be delivers by statements such as 'this will be subject of the operating plans' .Your document should make a strong policy statement concerning these matters .</p> <p>15 Your draft states</p> <p>'4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.'</p> <p>MDC should require the application details to declare what proactive consultation has been undertaken by the</p>		
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		<p>applicant. This would allow the consultees to verify the extent of compliance with this recommendation</p> <p>16 Your draft document states</p> <p>'4.6 Large Scale Events</p> <p>4.6.5 Therefore, organisers of such events are advised to contact the Licensing Team in writing in the planning stages to ascertain the policy principles that may be relevant to an application'.</p> <p>This implies that the policies for a large event are not included here. How then can the other interested parties (including residents) engage or comment? I believe these policy principles should be a public document.</p> <p>17 Your draft document states</p> <p>'4.6.6 The Authority has a general statutory duty under section 4 of the 2003 Act to promote the Licensing Objectives. The legislation does not refer to the special circumstances and sometimes very different issues that can be relevant to these types of application. However, the Authority has taken all reasonable endeavours to balance the demands and aspirations of the event industry against the protection of the local communities and the attendees that may be adversely affected by or at such events'.</p> <p>As indicated above MDC should be obliged by its own policies to state how it intends to balance the demands of the event industry with the protection of local residents . It is crucial for many reasons that this area of policy is clear(developed with consultation) and is subject to public scrutiny .</p> <p>18 Your draft document states:</p> <p>'4.6.12 The Authority believes that it is inherent in the 2003 Act that Responsible Authorities should be given the opportunity to make representations related to the nature of different events as far as possible. This is because the potential for adverse impacts on the promotion of the Licensing Objectives can vary significantly between events even when planned at the same premises. It supports the</p>		
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		<p>promotion of the Licensing Objectives for these organisations to be given as meaningful a role as possible.'</p> <p>'4.6.13 The enforcement policies of the Council may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Council's graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular basis, particularly with different event organisers.'</p> <p>'4.6.14 Sites for large occasional events are not usually entirely purpose built for the proposed licensable activities to take place. Therefore, there is considerable work involved in planning and organising these events. The Authority believes that this is only achievable by ongoing involvement of the Authority and Responsible Authorities in dealing with such events, as far as is reasonable and appropriate.'</p> <p>The above policy statement should be revised to require the ongoing involvement of Other Persons.</p> <p>19 Your draft document states:</p> <p>'4.6.15 For the above reasons, the Authority believes that where an applicant submits plans that may be relevant to a whole range of events; the detail and relevance of this important document may well be critically diluted. In such circumstances, this may lead to an adverse impact on the promotion of the Licensing Objectives.'</p> <p>This part of the policy statement should specifically state that there must be adequate detail so that proper consultation can be carried out – see above</p> <p>20. Your draft document states:</p> <p>'4.6.18 The Authority shall refuse all relevant applications that are not submitted and duly made with the following minimum notice periods prior to the event (where relevant representations are received), except in exceptional circumstances.....'</p>		
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		<p>Your proposed policy only deals with the lead times between application and event ; it neglects the very considerable nuisance the licensable event can create if local residents, businesses and others are not given adequate notice of repeats of that event. A requirement for an adequate notice period should be part of MDC's policy. Imagine planning your daughter's wedding reception to take place in your back garden and GFEL then at much shorter notice (than planning her wedding) announced that it is holding a 2 day event with 50,000 attendees with its very significant noise levels and likely traffic issues. Its it a totally unacceptable scenario which MDC's published policies should ensure is avoided.</p> <p>Thank you for the opportunity to comment on this important document. With the right content and the right level of application and adherence by all parties it is my hope is that it will support transparency, engagement of those affected, accountability, better processes (for all parties) and most importantly -correct outcomes.</p>		
24			Delegated authority required to continue to make minor textural changes as and when required	Agreed by all

All in Favour

All Agreed

- Ready for approval by Full Council