

REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY – RESPONSES RECEIVED

ANNEX A

Page / Paragraph of policy	Received from	Comment made	Officer response to comment	Recommendation
Page 8 / 2.12 and page 32 / 5.2	Public Health, Devon County Council	<i>'Please amend reference on page 8 and page 33 to Director of Public Health to remove '(Devon DAAT)'. It is sufficient to state 'Director of Public Health' – the Devon DAAT no longer exists, but commissioning of drug & alcohol services remains a Public Health function'.</i>	No comment	Policy updated to reflect comment
N/A	Member of public	<p>a) <i>'Many of these points are ONLY relevant to DEVON CC Seems you are not aware of YOUR responsibilities'.</i></p> <p>b) <i>'It is the DUTY of elected members to take responsibility for decisions. It seems to me that your council thinks that officers should take more decisions. This is not the best practice and you should ALL be involved in the decision making process'.</i></p>	<p>The Licensing Officer spoke to this person to try and get more information about the comments made. What follows is a brief summary of the main points discussed.</p> <p>a) The general point being made was that the Council should ensure it works with Devon County Council (DCC) where appropriate and necessary. However, no specific examples could be given of the issues in the policy that were only relevant to DCC.</p> <p>There are elements of the policy where there is a crossover with DCC - they are a Responsible Authority under the Licensing Act 2003 so this is to be expected. They</p>	<p>a) No update recommended.</p> <p>b) No update recommended.</p> <p>Note: As a result of this conversation, the Licensing Team will review the information on the website to ensure it is clear that members of the public can contact</p>

			<p>were consulted on the policy directly and the only comment made can be seen above.</p> <p>b) With regards to the delegation of functions and elected members taking responsibility for decisions, it should be noted that this comment appears to relate to, in part, the table which appears on page 10 (paragraph 3.6) of the policy. So the Committee are aware, this table is based on the table of '<i>recommended delegation of functions</i>' which appears on page 128 of the S182 Guidance. This is guidance issued by the Secretary of State and is something Licensing Authorities must have regard to. It is possible to depart from this guidance but this can only be done with good reason.</p> <p>One of the main issues discussed was the importance of members being involved in the licensing process and the positive impact they can have. It was explained that if just one representation is received against a premises licence application, the matter then goes to a Sub-Committee to be considered.</p> <p>We also discussed:</p> <ul style="list-style-type: none"> • Some of the work we do with DCC, including dealing with pavement licences. • That we send certain types of applications to all Councillors (although not a statutory requirement). This allows them to review and, if appropriate and necessary, submit their own representation. 	<p>Councillors should they have any licensing concerns.</p> <p>Additionally, the comment about training for all Councillors on licensing has been passed on to the Member Services Team.</p>
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N/A	Licence holder	<i>This is informative and useful and practical. A good policy.</i>	No comment	N/A