

From: Alan Tolley [Alan\_Tolley@sandwell.gov.uk]  
Sent: 23 February 2006 16:30  
To: MCKENZIE JILL  
Subject: Licensing Policy Statement Regulations

\*\* Low Priority \*\*

Jill

Good to see you at yesterday's GC event in Birmingham - at least you are now fully prepared for whatever the London Boroughs can throw at you tomorrow !

Having said that, you probably won't be too surprised to hear that my views on the draft Regs are pretty much in line with the LACORS view.

Essentially, as drafted they are fairly meaningless, serve no useful purpose and are therefore, in their current form at least, unnecessary.

I can see some merit in Regulations prescribing the date ( the '1st Appointed Day' ) when applications can start being received. The same Regulations could also prescribe the date by which a licensing authority must publish their statement. This would normally be one month prior to the 1st Appointed Day.

The same Regulations could also prescribe what I would term "minimum" criteria for what might constitute 'publishing' . This could include the requirement to publish on a web site and also retain a copy 'on deposit' at a local office where it can be inspected free of charge by anyone wishing to do so. However, this needs to be done at the start of the process, ie at the time we begin to go out for consultation ( June 2006 perhaps ).

For this purpose, as well as consulting with those persons contained in Section 349(3)(b) and (c) we will be taking a similar approach to the one we took for the 2003 Act. We will be holding a series of 'roadshows' throughout the Borough, and placing advertisements in the local press, local circulars etc. It is during this process (ie, between June and September ) that people will be able to comment on the draft policy statement itself.

There is simply no reason at all to require the 'final' version to be published in the press. It is far too late to make any comments anyway and, like most LAs we will be sending a copy out to every consultee. Although our final version will be as brief as we can make it there may be some authorities who feel that they need 40 - 50 pages ( and more ) to express their principles properly. Consider for a moment how onemight 'advertise' a 50 page document in a newspaper!

My solution, if you are still feel that some 'advertising' of the policy is essential is to require an advert in a newspaper notifying everyone that the policy is now 'published' (ie, on the LA web site fro example ). The advert could say that anyone wishing to inspect the policy - or indeed be supplied with a copy - can do so free of charge. This would not amount to an unreasonable burden on local authorities in my view but under no circumstances should we be required to 'advertise' the whole policy document itself - especially when it would be a pointless exercise as it would be too late by then for anyone to make any comments.

It is far more important that LAs are encouraged to consult as widely as possible in the first place. I see this being done via the GC's Guidance document than any Regulations I'm afraid. The same goes for the exchange of information. This is a matter between the GC and local authorities and does not warrant Regulations to bring it into force.

I am more than happy to have a brief chat over the phone if anything I have said above doesn't exactly make sense.

I look forward to hearing from you soon

Best Wishes

Alan Tolley  
Senior Licensing Officer  
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From: Alan Tolley [Alan\_Tolley@sandwell.gov.uk]  
Sent: 24 February 2006 09:45  
To: MCKENZIE JILL  
Subject: Draft Policy Statement Regulations

\*\* Low Priority \*\*

Jill

Further to my e mail response yesterday I forgot to add my comments about the 'form' of the statement.

Essentially, my views are the same, in that the Regs as drafted are fairly meaningless. The matters outlined in draft Regs 4 and 5 should be covered by the GC's Guidance. There could be a section within the Guidance headed 'Form of Policy Statement' which could include the requirement for an introductory paragraph and also the 4 principles outlined in Reg. 5.

As Katherine has probably told you, LACORS is in the process of developing a 'template' for local authorities in this regard. We would be more than happy to share the draft template with the GC and yourselves so that you can be sure we have

covered all the matters considered essential - but this can all be achieved without the need for formal Regulations. Local Authorities will have a statutory duty to have regard to the GC Guidance so I am confident there will be a good deal of consistency across the board.

Due to the nature of the premises we are going to be licensing ( as opposed to those we licence under the 2003 Act ) there are likely to be fewer problem areas which means that there is less scope for local authorities to produce policy statements which are inherently different from each other.

I believe that most LAs will adopt our template policy, tailored to their own local needs in some respects, but you will find there is a good deal of consistency just waiting to happen !

In summary - no Regs please, but let's strengthen the Guidance and perhaps agree on a 'template' which LACORS will produce ( and which could be inserted as an Annex to the GC Guidance )

Thanks

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