



Jubilee House | Second Avenue | Burton upon Trent | Staffordshire | DE14 2WF
T. 01283 501 600 | F: 01283 501 601 | W. www.punchtaverns.com

1 September 2008

FAO Nigel Wakelin
Licensing Team
Sport and Leisure Directorate
2-4 Cockspur Street
LONDON
SW1Y 5DH

Dear Mr Wakelin

**CONSULTATION RESPONSE ON BEHALF OF PUNCH TAVERNS
PLC TO THE PROPOSAL TO INTRODUCE A SIMPLIFIED PROCESS
FOR MINOR VARIATIONS**

I enclose our consultation response in this matter.

Punch Taverns own approximately 8,000 licensed premises in England Wales. Punch Taverns Plc hold the premises licences for the vast majority of these premises. As such, I believe it is appropriate for us to make a further response in this matter.

Should you have any queries about the response, please do not hesitate to contact me.

Yours sincerely

P.P.

DAVID DANIEL
Head of Compliance



Punch Taverns is a trading name of Punch Taverns (PTL) Limited Reg No. 3512363; Punch Taverns (PML) Limited Reg No. 3321199; Punch Taverns (Avebury) Limited Reg No. 3417873;
Punch Taverns (Barton) Limited Reg No. 5432394; Punch Taverns (Branston) Limited Reg No. 5596581; Punch Taverns (PGRP) Limited Reg No. 3988664 and Punch Taverns (Pubs) Limited Reg No. 5699544.

Each of the companies noted above is registered in England and has its Registered Office at Jubilee House, Second Avenue, Burton upon Trent, Staffordshire DE14 2WF



DCMS CONSULTATION

LEGISLATIVE REFORM ORDER: PROPOSAL TO INTRODUCE A SIMPLIFIED PROCESS FOR MINOR VARIATIONS TO PREMISES LICENCE AND CLUB PREMISES CERTIFICATES

RESPONSE FROM PUNCH TAVERNS PLC

Introduction

Punch Taverns own approximately 8,000 licensed premises throughout England and Wales. Any legislation reform which removes or reduces a burden which we or our customers have to bear is welcomed. We welcome the opportunity to comment further on the proposals to introduce a simplified and streamlined process for minor variations.

Section 2 : Minor Variations to Premises Licences and Club Premises Certificates

Chapter 1: Minor Variations – Introduction and Purpose

Punch Taverns have already provided a consultation response in this matter dated 19 February 2008.

In that response, Option 1 as contained in paragraph 2.2 of Section 2/Chapter 1 was and remains our preferred option.

The fact that the Government continues to recommend Option 1 is welcomed.

Paragraph 2.6

It is noted that under the Minor Variation process, a licensing authority will have 10 days to either a) grant the application or b) refer it to the full variation process.

**Question 1: Do you agree that this draft Order accurately reflects the new minor variation process described at Section 2 Chapter 1 of this Consultation Document?
Yes/No**

If No, please describe in detail how you think the draft Order should be amended.

Yes.

Question 2: Does this draft Guidance provide sufficient advice to assist licensing officers in coming to a decision on whether a variation is minor? Yes/No

If No, please describe in detail what additional Guidance should be provided.

Punch Taverns suggest the following additional Guidance should be provided:

8.40

It is suggested that the test stated here should read as follows:

“In all cases the overall test is whether the proposed variation is likely to have an adverse impact on the 4 licensing objectives.

8.41

The first example given in this paragraph is “increasing the capacity for drinking on the premises:”

It is submitted this should read “increasing the capacity for drinking on the licensed premises:”

It is noted that in Regulation 23 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, an applicant, under Section 17 of the 2003 Act, for a premises licence is not required to show in the plan attached to the application any location or locations on the premises which are to be used for the consumption of alcohol. It would be inconsistent if an applicant had to make a full variation to include an external area for consumption of alcohol on the premises when an applicant for a new premises licence was not required to do so.

8.47

The following factor is quoted in this paragraph “proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensed activity in large numbers.”

It is submitted each application should be judged on its own merits and not on the proximity or density of public houses, nightclubs, etc. to the applicant premises. This is not a consideration or factor which should be taken into account.

Question 3: Do you agree that there is no need for any specific action in the event that a licensing authority is unable to respond to the applicant within the statutory time period? Yes/No

If No, please explain what action should be taken and why?

Punch Taverns submit that should a licensing authority be unable to respond to the applicant within the statutory time period, then the fee submitted with the application should be refunded. Further, should the application be rejected, it is submitted that the applicant, should he proceed with a full variation application, be given credit for at least part of the application fee paid with the minor variation application. It is submitted this will reflect the fact that the licensing authority concerned will be

already familiar with the application and will require less time to read and consider the full variation application.

Question 4: Do you think the recommended fee is a) right, b) too low, or c) too high?

If you think the fee is too high or too low, please suggest an alternative figure and provide evidence, including tasks undertaken, average time required to complete them, and proportion of professional/administrative effort involved.

Punch Taverns, on the basis of the information provided, feel that the recommended fee is about right.

Question 5: Do you think that applicants will be able to complete this form easily without seeking legal advice? Yes/No

If No, please specify how it could be made more user-friendly.

Punch Taverns believe that the form should be relatively easy to complete and is certainly less daunting than that required to make a full variation application.

Question 6: Does this form provide sufficient information for a licensing officer to decide whether a variation is minor? Yes/No?

If No, please specify what additional information should be provided

Punch Taverns believe that the form provides sufficient opportunity for an applicant to provide sufficient information for licensing officer to decide whether a variation is minor or not.

Question 7: Do you agree with the costings in this Impact Assessment? Yes/No

If No, please give your reasons and provide alternatives

Punch Taverns do not believe they are in a position to reply to this question.

1 September 2008

Dave Daniel

Head of Compliance

Punch Taverns Plc

Jubilee House

Second Avenue

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