

# Action with Communities in Rural England

Supporting vibrant and sustainable rural communities through the RCC network and its partners



10 April 2007

Simon Richardson  
Licensing Guidance Review Team  
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Dear Simon

## Consultation on Revised Guidance made under Section 182 of the Licensing Act 2003

ACRE is the national umbrella body for its 38 member Rural Community Councils, which are voluntary sector development agencies providing help, support and advice for community-led action in rural areas throughout England. ACRE co-ordinates the national village halls advice service on behalf of the estimated 8,900 community-owned halls.

Please find below our responses to the above mentioned consultation document.

### Questions 1 and 2

The definition of 'in the vicinity' should remain open to give local authorities the opportunity to take into account local factors. However, they need to be aware that in rural areas the 'vicinity' is likely to cover a wider area than in an urban area. Noise and disturbance outside properties is more easily attributable to particular premises in an area where there are few properties and only one public house and a hall. A rigid specified distance causes problems for those falling just outside that area.

We were pleased to note that the Supplementary Guidance issued June 2006 made it clear that the parish council is recognised as an interested party. Parish councillors often don't live in the vicinity of the premises but live in the community and play an important role often representing elderly residents and those who don't feel able to make their own representations.

### Question 3 and 4

The amendment is a good attempt to provide clarification on the term 'incidental music' and provides guidance on the parameters. We would not be in favour of a narrow definition.

### Question 5 and 6

Cumulative impact as defined in the Guidance has not arisen as a problem for our stakeholders as far as we are aware.



### **Questions 7,8, 9 and 10**

We prefer Option 2 mainly because, as stated in Question 10, it promotes consistency and best practice. Licensing authorities need to be constantly encouraged and reminded to expand and update the conditions to take into account local circumstances and individual situations.

### **Question 11 and 12**

Comments from our stakeholders confirm that the clarification is needed.

Elderly and vulnerable people rely on others to represent them e.g. if partially sighted, unable to complete forms, attend a hearing or are worried about security. If a ward councillor is unable to speak on their behalf because of prejudicial interest then the rights of those people to have their concerns properly aired is denied.

This problem is likely to be more relevant in rural than urban areas as there may be greater numbers of elderly people living close to licensed premises and ward councillors are more likely to be personally affected by licensing matters. The new guidance, 8.8. to 8.10, does not clarify how representations that would be made by the ward councillor on behalf of the elderly and vulnerable will be made if he/she has to declare a prejudicial interest. If the ward councillor is not present they cannot deal with counter-points by applicants or explain anything that is unclear.

### **Question 13 and 14**

The proposed amendments help to clarify the situation with regard to the designated premises supervisor and personal licence holder being on the premises at all times when alcohol is sold. Where the premises are hired to a third party the 'specific written instructions' will form part of the hiring agreement rather than a stand alone document.

### **Question 15 and 16**

Yes, the Guidance on variations should be amended as proposed. We are also concerned about the costs involved for charities and other similar organisations who want to make relatively small changes to their Premises Licence which would not have an impact on the licensing objectives. For instance adding film and plays to a Premises Licence that already allows music and dance or making small structural alterations to the premises. Not only are the costs of the applying for the variation significant but advertising costs can be prohibitive.

### **Question 17 and 18**

Agreed

### **Question 19 and 20**

We agree with the suggested Guidance contained in paragraphs 9.13 to 9.17. It is particularly important that vulnerable people have an opportunity to make representations without identifying themselves and can disclose personal circumstances without these being made publicly available e.g. that they live alone, are disabled, have young children etc. It is also important that where they make

complaints or representations to ward councillors, police or environmental health authorities it is obligatory for these to be raised at a hearing.

**Question 21 to 26**

No comments

**Question 27 and 28**

We have no objection to the Chapters 12 & 14 being removed from the Guidance

**Question 29 and 30**

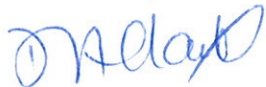
The format of the new Guidance has achieved its aim of being a more user-friendly document.

**Question 31**

No further issues at this time.

If you have any queries on any of our responses please do not hesitate to contact us.

Yours sincerely



Deborah Clarke  
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