



Licensing Guidance Review Team
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BII response to the Consultation on draft revised Guidance to be issued under section 182 of the Licensing Act 2003

BII welcomes the opportunity to respond to this consultation.

Background to BII

BII is the professional body for the whole of the licensed retail sector and currently has a membership of 17,000 individual members made up of managers, staff, licensees and tenants from both the on and off sectors. We are also supported by 50 Corporate Patrons and Members who contribute to furthering our main mission which is to:

“Promote high standards of professionalism throughout the licensed retail sector, to encourage new entrants into the industry and to help them develop their long-term careers. To provide all our members with high quality information, skills and qualifications to help them succeed in their business activities.”

As a professional body therefore we are fully committed to maintaining the highest possible standards throughout our industry. All individual members sign up to our Code of Conduct and which reinforces the professional message that we deliver.

We set and maintain standards through our wholly owned Awarding Body, BIIAB which has considerable experience in the development and awarding of qualifications to support regulatory requirements for licensing. In 2005, BIIAB processed 190,000 qualifications, most of which support legislative requirements for the licensed retail sector, including the door supervision industry. BIIAB is accredited by the Qualifications and Curriculum Authority and has a variety of qualifications to support the industry from entry through to management and foundation degree level.

Specific comments on the consultation

Definition of 'vicinity'

Question 1

Do you agree that the current guidance on vicinity should remain unchanged?

Bll believes that the current guidance should remain unchanged.

Question 3

Do you agree with the proposed amendment?

Bll agrees with the proposed amendment and feels that it offers useful clarification.

Question 5

Do you agree that the current Guidance on cumulative impact policies should remain unchanged?

Bll believes that the current guidance should remain unchanged.

OPTION ONE

Remove Annexes D-H from the Guidance but consider establishing an alternative central source for good practice.

OPTION TWO

Retain the Annexes but update and expand as necessary with regular supplements

Question 7

Which of the above options do you agree with?

All licence applications should be viewed on their own merit; however we would welcome a source of good practice examples. The current Annexes are very long and in place repetitious, Bll would favour Option 1, with the establishment of a bank of practical and user friendly case studies and example of good practice.

Question 8

Do you think that there are any other options that should be considered?

No.

Question 9

Do you think that, if retained, there is a risk that the pools of conditions will be considered exhaustive and therefore inhibit the promotion of innovative conditions by the Police, other responsible authorities and interested parties to address emerging problems? If so why?

Many of the conditions in the current Annexes are covered by the law so are already considered when consideration is given to a licence. The details of best practice are simply that and if licensing authorities, the police and the trade feel that in particular cases there are other options this can be explored as applicable.

Question 10

Do you think the pools of potential conditions have value in promoting consistency and/or best practice?

The current pool of potential conditions has in places lead to the imposition of unnecessary conditions and a blanket approach on certain issues by licensing authorities.

Question 11: Do you agree that the current guidance on the role of ward councillors should be further clarified and expanded as proposed?

Bll agrees that the guidance should be clarified and expanded as proposed.

Question 13: Do you agree with the proposed amendments to the guidance on authorisation of sale?

Bll welcomes the clarification on the role of the DPS. We have canvassed our members and many of them already use a written authorisation for sales. We feel that a written authorisation can protect both the DPS, PLH, staff and the community.

Question 15: Do you agree that the Guidance on variations should be amended as proposed?

Bll agrees with the proposed amendment.

Question 17: Do you agree that the Guidance on evidence to support representations should remain unchanged?

Bll agrees that this should remain unchanged.

Question 19: Do you agree that the Guidance on representations should be amended?

For the sake of consistency, Bll would agree that the Guidance on representations should be amended.

Question 21: Do you agree that the Guidance should be amended as proposed?

We would agree that the Guidance be partially amended as proposed but would like to see the last section (such as preventing customers from taking open containers outside the premises) replaced with the following:

Each premises should be approached on a case by case basis.

We are concerned that by including the reference to open containers, this could lead to a blanket ban regardless of the level of problems in the vicinity of the premises.

Question 23: Do you agree that the Guidance on longer hours should be amended as outlined above?

We welcome the formalisation of the letter from Secretary of Stat and agree that the outlined amendment should be made.

Question 25: Do you agree that Chapter 11 of the Guidance should be removed?

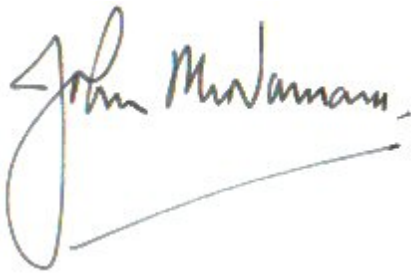
We agreed that the removal of Chapter 11 would make the guidance more succinct and is better placed elsewhere.

Question 27: Do you agree that Chapters 12 and 14 should be deleted from the Guidance?

Bll agrees that these should be deleted from the Guidance.

Question 29: Are you happy with the overall format of the revised Guidance?

On the whole, Bll is happy with the format of the revised Guidance.

A handwritten signature in blue ink that reads "John McNamara". The signature is written in a cursive style with a long horizontal stroke extending to the right.

John McNamara
Chief Executive