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FEDERATION OF LICENSED

FLVA

126/128 BRADFORD ROAD
BRIGHOUSE
WEST YORKSHIRE HD6 4AU

E-mail: Admin@flva.tsbusiness.co.uk
www.flva.co.uk

VICTUALLERS ASSOCIATIONS

Simon Richardson
Licensing Guidance Review Team
Tourism Division
6th Floor
Department for Culture, Media & Sport
2/4 Cockspur Street
LONDON SW1Y 5DH

W A PAYNE, CBE
Chief Executive

16 April 2007

Dear Mr Richardson

Consultation on revised guidance made under Section 182 of the Licensing Act 2003

The Federation of Licensed Victuallers Associations looks after the interests of the self employed who have business interests in the licensed trade and wish to place on record our appreciation of being given the opportunity of responding to the proposed amendment to the revised draft guidance of the Licensing Act 2003.

Question 1

The FLVA agrees that the current guidance on vicinity should remain unchanged.

Question 3

The FLVA supports the proposed amendment on incidental music if it will clarify the fact more clearly for both local authorities and licensees.

Question 5

The FLVA agrees that the current guidance should remain unchanged.

Question 7

The FLVA supports Option 2.

Question 8

It is important there is guidance that will clarify different opinions between local authorities and licensees and their advisors.

Question 9

The FLVA does not agree that if retained the pool of condition will be considered exhaustive.

Question 10

It is important a pool of potential conditions is available for consistency throughout the trade.

Question 11

The FLVA agrees that the current guidance on the role of Ward Councillors should be clarified and expanded.

Question 13

This is a problem that has caused concern for our members due to the fact that the police in some areas have different opinions to the local authority's policy.

Question 13 cont'd

We have drawn up a form of authorisation for the sale of alcohol as we believe that it would help to provide due diligence in a Court of Law.

We believe further clarification is required which would enable a Designated Premises Supervisor to go on holiday even though no Personal Licence Holder is left in charge of the premises. The DPS could still be responsible whilst on holiday.

As required under normal circumstances it would then be up to the DPS to prove if there was a problem whilst they were on holiday that staff in charge had had sufficient training.

Question 15

The FLVA agrees that the variation should be amended as proposed.

Question 17

The FLVA agrees current guidance should remain unchanged.

Question 19

We agree that guidance on representation should be amended. We are concerned that individuals asking for their name to be withheld would automatically bring concerns to Councillors regarding licensees and the premises before they hear a case. In these rare types of cases we are quite sure Ward Councillors themselves should already be aware of any possible problem.

Question 21

The FLVA agrees with the proposed amendment but it is important licensees are not held responsible for public behaviour away from licensed premises. Surely members of the public also have responsibilities and who is to say where a person gets their drink from.

Question 23

We agree that it would be helpful to amend the guidance as proposed.

Question 25

The FLVA agrees that Chapter 11 of the guidance should be removed.

Question 27

The FLVA agrees that Chapters 12 and 14 be deleted from the guidance document.

Question 29

The FLVA supports the proposed format of the revised guidance.

Yours sincerely



W A Payne CBE
Chief Executive