

139

Hackney Neighbourhoods and Regeneration

Fiona Fletcher-Smith, Corporate Director, Neighbourhoods and Regeneration
Hackney Town Hall, Mare Street, London, E8 1EA

Respond to: Shalini Balakrishnan
Licensing Service
Dorothy Hodgkin House
12, Reading Lane
London E8 1HU

Simon Richardson
Licensing Guidance Review Team
Tourism Division
6th Floor
Department of Culture, Media and
Sport
2-4 Cockspur Street
London
SW1Y 5DH

5 April 2007

Dear Mr Richardson

Hackney Council Response to Consultation on Draft Revised Guidance made under Section 182 of the Licensing Act 2003

Thank you for inviting Hackney Council to make a submission to the above review. This is attached for consideration by the DCMS.

The Council's Statement of Licensing Policy, the Licensing Act 2003 and the Guidance issued under section 182 of the Act have been instrumental in developing policy, procedure and practices around the implementation of this new system of licensing. The attached comments are therefore made given the Council's practical implementation of the Act and our experiences over the last two years.

The response on the consultation is informed by comments from members of the licensing committee, responsible authorities and licensing officers.

We do note that many of the points made will only be addressed through a review of the primary and secondary legislation. However, we feel that these too should be flagged up at this opportunity as matters that need to be taken forward for further consideration/ action by the DCMS.



INVESTOR IN PEOPLE

Once again, thank you for this opportunity and we look forward to receiving the outcomes of the consultation:

Yours sincerely,



Fiona Fletcher-Smith
Corporate Director



www.hackney.gov.uk

Hackney Council's consultation on the draft revised Guidance to be issued under Section 182 of the Licensing Act 2003

Question 1: Do you agree that the current Guidance on vicinity should remain unchanged?

Question 2: If not, what factors do you think should be considered and why?

The DCMS approach to include broad factors to indicate vicinity, rather than providing a specific definition is beneficial in offering the Licensing Authority ("the Council") the discretion to determine what "vicinity" means locally and on a case by case basis. This approach is promoted in Hackney's Statement of Licensing Policy ("the policy") where the vicinity is to be judged on the facts of every case including the locality and the nature and style of the operation and its clientele. Distance should not be a factor, but an interested party should demonstrate how they or the people they are representing are personally affected.

Question 3: Do you agree that the current Guidance on incidental music should be amended to expand on the factors that licensing authorities might wish to consider in determining what is incidental?

Question 4: If not, please explain why and outline any alternative.

The Council agrees with the approach to expand factors in considering whether music is incidental. However, it is suggested that at Paragraph 3.21 line 3, this should read "one factor will be" not "may be" considered to guide councils on this.

The Council also suggests an additional factor to be included in the guidance on this at paragraph 3.21:

- Is the music at a level which allows normal conversation?

One issue this Council has had is in deciding where DJs fit into the spectrum of regulated entertainment, particularly on conversion. The fall out from the lack of definitive guidance produced by the DCMS on a comprehensive list of "existing licensable activities" by virtue of the existing licence pursuant to Schedule 8 of the Licensing Act ("the Act") has been felt by this Council to its potential cost. The Council has been challenged on its principle not to convert DJ activity into regulated entertainment (where in this case an individual provides music from a mixing deck to an audience, not necessarily with voice-overs, but mixing songs together to create a seamless transition between each song).

Generally, many bars have DJ nights and these can attract high numbers of people and can cause noise nuisance. This is not the same low level impact activity as incidental background music and clear advice is still sought from the DCMS as to whether DJs as above are providing regulated entertainment.

Question 5: Do you agree that the current Guidance on cumulative impact policies should remain unchanged?

Question 6: If not, what amendments do you think should be made, and why?

The Council is not opposed to the concept of cumulative impact and has adopted its own special policy on this in the Shoreditch area. DCMS may wish to refer to Hackney's Special Policy Area (SPA) as a case where trends towards a rise in noise and crime levels have been effectively managed in an area where more than a quarter of the borough's all licensed premises are situated within a small geographical area. The SPA has been successful in avoiding increases in ambient noise levels and crime and disorder activity in the Shoreditch area.

This policy has been supported by the Council's holistic approach to dealing with the compliance, enforcement, operation and management of licensed premises. This has included the implementation of such initiatives as "Ssh... Shoreditch!" a campaign encouraging patrons to enjoy Hackney's evening economy in a responsible and considerate manner to nearby residents, setting up the Hackney Best Bar None Award Scheme, an accreditation scheme encouraging best practise in licensed premises and conducting joint licensing and police enforcement activity.

Following the outcome of the Guildford Borough Council v JD Wetherspoon High Court Appeal, DCMS should make clear that cumulative impact policies do apply to existing premises and that applications to extend the hours when alcohol can be served to match opening hours is a material variation.

Question 7: Do you agree that the pools of conditions in Annexes D-H should be:

Option 1: Removed from the current Guidance, but consider establishing an alternative central source of good practice advice? Or

Option 2: Retained and updated/expanded as necessary.

Question 8: Do you think that there are any other options that should be considered?

Question 9: Do you think that, if retained, there is a risk that the pools of conditions may increasingly 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?

Question 10: Do you think that the pools of conditions have value in promoting consistency and/or best practice?

The Council considers that the pool of conditions will promote consistency and best practise and will not inhibit the use of innovative tailor-made conditions. It is understood that the list is not exhaustive and that these are not standard conditions.

Option 2 would be the preferred approach. This would allow the conditions list to be easily referred to by interested parties, responsible authorities and members.

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

Question 12: If not, please explain why and provide brief details of any alternative proposal.

The Council agrees to the revisions proposed. It currently notifies ward councillors of applications received via its website taking the view that the information supplied is factual and reflects the information set out in the licensing register, a public document.

The Council welcomes the clear guidance that ward councillors are interested parties in their own right and are subject to the rules relating to prejudicial interest. By extending this power to councillors to make representations, it is believed that this would actually promote the four licensing objectives. This is because experience has shown that on occasion, councillors have access to relevant historic and local information which other interested parties do not – a councillor's representation could act as a "safety net" where no other representations have been received.

Furthermore, this approach brings the role of local councillors within the licensing policy sphere, into line with other government developments in promoting localism and the enhanced community leadership role of local authority members.

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

Question 14: If not, please explain why

The Council agrees with the proposed amendments. A strong recommendation for written authorisation would be preferable and DCMS

should provide a template pro forma for the signed authority which a DPS or personal licence holder must complete to the delegated personal licence holder or other to sell and/or supply alcohol.

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

Question 16: If not, please explain why.

The Council agrees with the proposed amendments.

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

Question 18: If not, please explain why.

The Council agrees that separate guidance on this will be appropriate however, this should not be limited to guidance for interested parties, but should extend to guidance to responsible authorities also.

Question 19: Do you agree that it would be useful to add guidance on how licensing authorities might manage concerns about potential intimidation of interested parties?

Question 20: If not, please explain why.

The Council agrees with the proposed amendments. Intimidation can be a deterrent to representations being submitted. It would be useful for the separate guidance to include examples of circumstances where some or all personal details could be withheld from the applicant.

The DCMS may wish to note that the second "to" is extraneous in line 2 of paragraph 9.13.

Question 21: Do you agree that guidance on the control of nuisance/crime and disorder outside licensed premises should be clarified/ expanded as proposed?

Question 22: If not, please explain why.

The Council agrees with this approach. In addition, a definition of "off sale" is required. Some Hackney licensees with on and off sale licences are providing open containers, glasses and plastic containers of alcohol for consumption on the public highway directly outside their premises even where there is no designated area for this or where there is no seating or tables in a nearby park. This is particularly the case in inner city areas like Hackney where few licensed premises have gardens or terraces.

It also allows the police to more effectively regulate behaviour in those public areas that can be designated as not permitting the consumption of alcohol.

The Council would welcome a definition of an “off sale” to make clear that it is only the sale of alcohol in a closed, sealed container that can constitute an “off sale”.

- Question 23:** Do you agree that the Guidance on longer hours should be amended to reflect the Secretary of State’s letter of 30 September 2005 and the current situation?
- Question 24:** If not, please explain why and outline any alternatives.

The Council supports the revisions proposed.

- Question 25:** Do you agree that Chapter 11, explaining police powers to close premises, should be removed from the Guidance and incorporated in specific and separate advice for police officers?
- Question 26:** If you do not agree, please explain why.
- Question 27:** Do you agree that Chapters 12 (Sale and Supply of alcohol to children) and 14 (Other Offences) should be deleted from the Guidance?
- Question 28:** If you do not agree, please explain why

The Council agrees with the separation of these matters from the guidance.

- Question 29:** Are you happy with the overall format of the revised Guidance?
- Question 30:** If not, please explain why and what format you would prefer instead.

It is advised that page numbers are placed after paragraph headings in the contents to enable those accessing soft adobe reader copies of the document to go straight to the relevant paragraph.

- Question 31:** Are there any other issues that you would like to see addressed in the revised Guidance? If yes, please specify.

Private events

Paragraphs 3.15 – 3.17 are unclear. It would be useful if the guidance were more clearly and simply set out on this complex licensing issue dealing with the circumstances of when an event is a private event. The Council has a number of unlicensed premises, for example, halls which hire out their venue

and provide a facility to third parties who hold private events such as wedding receptions and parties. Clarity is required around whether these are in fact licensable or whether these are exempt private events.

Representations

The new regime is policy based, yet without relevant representations, the Council does not have the discretion to apply the policy appropriately.

On occasion, this turns the process into a lottery of whether or not the right representation has been received. Human error, staff shortages, lack of experience or training affecting any of the responsible authorities can lead to licences being granted without coming before the sub committee, when there was a clear argument for an application to be challenged. In such circumstances, calling for a review when things can and often do go wrong lets the public down and is also costly.

A safety net is needed and the following should be considered:

Review the Role of the Licensing Officer:

Given the expertise of the licensing officer, the DCMS must address the need to utilise this expertise in considering applications and allow licensing officers/the licensing authority to act as responsible authorities as permitted under the Gambling Act 2005. Currently, the expertise of the Licensing Officer is lost under this Act.

At the very least, the licensing officers/ authority should be able to give officer recommendations to the sub committee on applications and provide the committee with a summary of the history of the premises (enforcement or otherwise).

Licensing officers are the only officers who have access to the whole history, have an understanding of the policy and can form a professional judgement that can then be communicated to the members of the licensing committee.

Given that there is a clear perception that the licensing authority is there to implement the licensing policy that the self same authority has drawn up, it should not be left to other agencies to ensure that those policies are upheld by ensuring representations are made, adding to both the cost and burden on the officers of only one agency.

Review conditions to be attached as a result of a hearing:

Clear guidance should be issued on how the sub committee should be able to attach conditions in line with policy and with the objectives even when no representation has been received in the interests of promoting that particular objective. It may have come to light during the proceedings of the sub committee that there are concerns around at least one of the

objectives. For example, where it transpires during the sub-committee without prior notice, that there is a noise issue but only the police have objected on the grounds of crime and disorder.

The relative freedom of the licensing committee should not be overly restricted to considerations reflected solely in the representations and application received.

Planning considerations

Responsible authorities need clear guidance on the matters that they should be making representations on, particularly in respect of the planning authority. This could be in the form of additional guidance but it is needed given the limited scope in which responsible authorities use the Act.

The current guidance on the relationship between the planning and licensing regimes is very confused and can lead to abuse of these regimes.

In respect of planning considerations, the Council has set out as one of its policy considerations the following:

Applications for licences will normally only be considered if:

- a) *the activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) and*
- b) *the hours sought do not exceed those authorised by any planning permission.*

The Council regards land use as a matter for planning but is also a key consideration when dealing with licensing matters.

Representations from the planning authority have related to the lawful use of the premises and to any operating hour restrictions imposed by planning conditions. Increases in operating hours have triggered planning representations on the potential for increased nuisance.

Decisions of a sub committee to approve a licence despite representations made by the planning authority may preclude the planning authority from taking successful enforcement action against the breach of planning control that could subsequently take place. In addition, where such breach occurs it is noted that planning enforcement issues can take months to resolve.

Given the unclear guidance on this, members are left in the position of having to make a decision which could lead to the applicant breaching planning controls.

In the appeal of *The Village Tap v LB Hackney*, a variation application was refused on the sole representation from planning on the grounds of prevention

of public nuisance. It was held that planning hours/authorisations can indeed be considered in determining applications when the rationale behind the planning permission relates to one of the licensing objectives. This case could have been avoided by requiring that the applicant obtain all necessary consents prior to making their application.

The legislation (and therefore the guidance) should be revised to state that planning authorisations must be in place before licences can be determined, and will be refused where such permission is not in place. This would also save the applicant from making an abortive application and the Council from the cost of arranging hearings and attending subsequent appeals where the matter is deferred pending planning application outcomes which have been made simultaneously with the licensing applications.

Powers of closure

Revisions in the legislation should extend the powers of closure to other responsible authorities and licensing enforcement officers. Both sets of officers are employed to enforce council policies and protect consumers. As such, it is only consistent with both granting and enforcing licences that the responsible authorities, particularly those attached to the Council are able to enforce their policies.

Temporary Event Notices

TENs must be looked at as a matter of urgency as a legislative review rather than a guidance review. What was intended as a light touch for village halls is being exploited in some cases by criminals booking halls out using TENs for “birthdays” and then bringing in events and music promoters associated with the drugs and guns culture. This is particularly prevalent in inner-city boroughs like Hackney.

Applicants are continually trying to push the boundaries of TENs. The Council is aware of the following attempts to undermine the spirit of the Act and guidance through the following means:

- Use of adjoining railway arches to stage an event to by-pass the 499 capacity limit
- Applications for different areas in the same premises to exceed the 12 events / 15 days maximum allowed
- Applications for TENs to extend operating hours to late hours when public transport is not available to assist with dispersal of patrons
- Provision of details of a “premises user” who would be acceptable to the Police but who is not actually the promoter or organiser of the event

Other concerns regarding TENs have been raised during the initial review by the Council and Hackney Police and are set out below for further consideration:

- The forty eight hour consultation period for the Hackney Police to respond to a TENS application is unworkable. It does not allow sufficient time for comment. This is particularly the case where the application is received by the police station on a Friday afternoon/late evening when the police licensing unit is not always staffed. As the application must be considered by Sunday afternoon, there is effectively no time to submit objections.
- The application should be sent through to the central police station in the relevant borough/police force where the premises are situated.
- Hackney Police note that there appears to be a lack of an option for serving a counter-notice should matters arise around a potential crime and disorder issue, as opposed to seeking a closure order from the Magistrates Court by a Superintendent. Hackney Police also query whether this authorisation could be delegated to Chief Inspector.
- The restriction to consider crime and disorder solely must be revisited. Concerns around the three other objectives must be factored into the TENS risk assessment for example consideration around whether planning permission is not in place, whether noise abatement notices have been served or whether there are public safety issues. Failure to take account of these other matters has resulted in TENSs being issued for premises that are totally unsuitable for the proposed events.
- The spirit of why TENSs were introduced will need to be reviewed in the redrafting of the legislation particularly around the meaning of "event". It is apparent that premises which have been refused licences or were not organised administratively to make the necessary applications are now notifying the Council for TENSs for those events which could have been covered under a premises licence. In applying for TENSs, the same level of scrutiny that a premises licence application attracts is avoided. As such, the Council has received a number of TENSs from off-licences and problem premises and the limited powers of control are not commensurate with the potential problems which may arise.
- The Council has serious concerns regarding premises operating under TENSs and the lack of public safety consideration given by the premises user:
 - Example 1: the applicant wanted to hold an event on a green space in the middle of a busy road. No experience of arranging events and no consideration given to public safety
 - Example 2: an applicant applied for a TENS allowing the sale of alcohol and regulated entertainment in respect of a former warehouse type premises which was already used for holding

religious services. The Police found a substantial number of propane cylinders stored outside in the area for which the TEN was sought. Disturbingly, the fire exit had been bricked up. The applicant withdrew the application after discussion with the Police.

- Involvement and input from other responsible authorities and the Council should be employed in TENs applications. If the licensing authority became a responsible authority for the purpose of a TEN, a visit could be carried out to check the suitability of the premises, as this should clearly be a core responsibility of the Council.
- A key gap in the legislation is that there is no requirement to advertise TENs (for example to display a site notice) and to notify all responsible authorities of the proposed TENs. By requiring applicants to send a copy of the TEN to all responsible authorities, although other responsible authorities can not serve an objection notice, they will have an opportunity to invoke their own primary legislation if concerns are raised.
- Clarification is required on the Council's approach and decision making discretion on a TEN which is incorrectly completed.
- The volume of TENs has been enormous and contributes to a large proportion of licensing business. The spirit of the act to allow such events on a "light touch" basis does not appear to this Council to be a proportionate approach to an area of licensing that given the scale in which it is being practised needs to be more carefully and robustly regulated.
- It is anticipated that there will be problems relating to the smoking ban from July 2007, where more people will be congregating outside, adding to noise nuisance etc.
- The prescribed fee of £21.00 should be increased to reflect the true nature of activities under a TEN. TENs are effectively used as temporary premises licences and the fee should reflect this.

Building Control

Building control officers are not responsible authorities in their own right. It was envisaged that the points raised by building control may be addressed through the fire authority representations, however both authorities work to different criteria. The higher standards set out in the Technical Regulations used by building control in respect of the provision of regulated entertainment are lost under this Act and this must be addressed to ensure public safety standards are maintained.

Personal Licence Application form:

There is no 'Date of Birth' column on the standard personal licence application form. The full name of the applicant is the only common entity on the application form and CRB certificate which is used to identify the applicant. The date of birth column should be included to clarify the applicant's identity given that on a number of occasions, different applicants have held the same name.

Personal Licence Application Process

There is still a need for a centralised TENS/ Personal Licence database system for all licensing and responsible authorities to access. There is currently no opportunity for the Council to identify whether applicants have made more than one personal licence application to different authorities, or to investigate the total number of TENS an individual has submitted throughout the country. It is noted that where a premises licence has been reviewed and revoked, the personal licence holder may also be removed, requiring them to retrain and reapply for a personal licence. Such a database capturing this information will prove valuable for Councils tasked with ensuring that the Act is correctly implemented.

It is suggested that guidance to new licence holders on their legal duties as holders of a personal licence would promote compliance under the Act. This may include the duties of the applicant to inform the Council of a change of address or of any convictions during the 10 years period.

The Council has refused a number of personal licence applications due to outdated CRB certificates. This is because applicants are not aware that the certificate must not be issued earlier than one calendar month before submitting the application to the Council. If this requirement were added to the application form check-list, the number of invalid applications received could be reduced.

Relevant offences

An oversight has been identified in Schedule 4 of relevant offences under the Act. Although there is a relevant offence covering driving under the influence of drink or drugs, there is no associated relevant offence for failing to provide a specimen for the purposes of determining that such an offence has been committed. It is advised that the DCMS take this forward to ensure this gap is filled.

Fees Information

The Council notes that the payment of an annual fee should be a mandatory requirement for any licence holder and should not be treated as a civil debt. The scheme under the old regime should be followed where non-payment of this fee result in the licence lapsing.

Committee Process and decision making function

Clarity is required around the legality of adding conditions to a licence which do not stem from a relevant representation, but arise from a committee hearing.

The Council would suggest that the revised guidance incorporates the key points taken from the decision of *Punch Tavern v Leeds* which are as follows;

- A condition imposed on a licence may potentially duplicate other legislation which does not in itself make that condition unlawful.
- When deciding whether a condition is necessary councillors should consider whether the condition is the most practical and practically accepted method of promoting the licensing objective.
- The condition imposed need not only apply to the hours granted on the variation of a licence. If it is necessary for conditions to apply to the whole of the operating hours to achieve practical effectiveness then this is lawful and it is not contrary to the Act or guidance.
- When making decisions members must have regard to the representations but should not be constrained by the wording of them. Members should be able to use their discretions to impose conditions which are at variance to those suggested or may even reduce the hours without a specific request to do so if that is necessary to promote the licensing objective and it is reasonable and proportionate to do so. This approach was applied by the Council and upheld at appeal in the case of *Café El Paso v LB Hackney*. The sub committee reduced the existing licensable hours for regulated entertainment to ensure the licensing objectives were not undermined. The magistrates upheld this decision stating that this was a permissible modification to the licence.

Pro Forma Declarations or Requirement to Prove Procedures etc have been complied with

The Council is of the view that certificates stating that the applicant has complied with all application and Act requirements should be included within the application criteria. This would cover for example the correct display of notices, advertising in the press and TENs compliance.

Site Notices

The Council is keen for the guidance to set out how authorities should treat conflicting evidence which both confirms and questions an applicant's

compliance with the advertising requirements of the Act. The following expands on examples of this.

In Hackney, the requirement to display a site notice on the premises is monitored by a member of the Council's enforcement team visiting the premises once during the 28 day consultation period. There are cases where residents complain that a site notice has not been displayed correctly but where it has been verified that the site notice was correctly displayed during the visit. There have also been cases where it is noted on a visit that a premises has not displayed a site notice satisfactorily, and the applicant contests this with the production of a certificate of display.

The Council has obtained legal advice that the Council's decision on how to treat the application (to return this to the applicant or proceed) is indeed final and unchallengeable at the Magistrates Court. It is therefore requested that clear advice within the guidance on this.

Newspaper Advertisements

There is currently no requirement for applicants to submit copies of their newspaper advertisements to the Council. This must be addressed. Although there are ways of overcoming this omission for example, the Council requests a copy of the newspaper advert when acknowledging an application, it is felt that this should be a mandatory requirement on all applications to ensure compliance with the Act.

General comments on the notification process when making a premises licence application or calling for a review

A suggested legislative change to improve notification to interested parties in the 'immediate vicinity' would be to adopt a similar process as that used under planning legislation but with the onus to consult remaining with the applicant. As such, the applicant would notify interested parties within adjoining premises in writing of an application and possibly be required to extend this consultation where the application is likely to have more impact. It is proposed that the applicant should bear the cost and responsibility for carrying out this consultation. This may assist in relieving the current criticism concerning the general notification process as it stands.

Discretion of the Council on the application process

There is no discretion in the Act or guidance to allow for minor errors and procedural irregularities in the application process after the application form has been submitted and checked. Neither is there guidance as to how the Council should treat such applications. Examples of such irregularities include where an advertisement has been displayed one day after the 10 working days time limit by which it should be advertised.

It is noted that there is a recommendation for Councils to take a "pragmatic approach" on this in the interests of effectiveness and common sense. This is

extremely confusing for Councils who are aware that they will face costs on this for any challenges to decisions to exercise such pragmatism. For example, the Council recently requested that an applicant re-advertise as the newspaper advertisement appeared one day late in the media. The Council became aware of this only after the deadline for submissions. However, by extending the deadline a comment received from a responsible authority which had been received too late became admissible and was taken into consideration when the application was determined. This was challenged by the applicant.

Following this application, the Council is of the view that the guidance should refer to and comment on the case of *TC Projects Ltd v Newcastle Justices* [2006] which deals with how Councils should address such eventualities.

In this case, it was stated that the authorities in dealing with this type of procedural irregularity (which is outside the control of the Council), should consider each case individually with particular consideration of whether:

- The non compliance was DELIBERATE or ACCIDENTAL
- Any PREJUDICE has actually resulted from the breach
- Anybody who might wish to object had been PREVENTED from doing so

It is imperative that further guidance is provided on the scope of the Council's discretions on such irregularities where the application form has been correctly submitted.

Environmental Health

The Council recommends the following textual amendments are made to the guidance which relate to environmental health.

The Anti-Social Behaviour Act 2003

Para 1.28 "Authorised Environmental Health Officer" should be replaced by 'an officer of the local authority who is authorised by the authority for the purpose of exercising one or more statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health'

Public Nuisance

Para 2.31 The use of the term "low-level nuisance" may not be the appropriate and further clarification of what this means is required.

Para 2.32 The Council queries the statement that "Noise limiters, for example, are very expensive to purchase and install and are

likely to be a considerable burden for small venues". The Council notes that a suitable noise limiter can be purchased and installed for around £1500 - 2000 which for a premises holding regulated entertainment on a regular basis would not be considered onerous.

Para 2.35 The Council suggests the inclusion of the requirement of 'directional and task lighting' which will provide additional clarification.

Regulated Entertainment

Para 3.8 The Council queries whether there should be a cross reference to paragraph 3.19 with regard to incidental music and further guidance on this is required

Applications for Premises Licences

Para 8.3 "Environmental Health Officers" should be replaced by 'an officer of the local authority who is authorised by the authority for the purpose of exercising one or more statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health'