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LICENSING SOLICITORS



Canada House
3 Chepstow Street
Manchester
M1 5FW

Tel
Fax



Mr S. Richardson
Licensing Guidance Review Team
Tourism Division
6th Floor
Department for Culture, Media and Sport
2 – 4 Cockspur Street
London
SW1Y 5DH

Our Ref AMH

Date 30th January 2007

& by fax 0207 211 6319

Dear Mr Richardson

Consultation on Revised Guidance made under s.182 of the Licensing Act 2003

We refer to the Consultation Paper in respect of the above matter.

Having been involved in the licensing process under the new legislation from inception, we are grateful for this opportunity to comment on the latest proposals for the s.182 Guidance. As a specialist practice, we have been acting on behalf of both Authorities and the private sector.

We will respond as per your numbered paragraphs:-

1. We have found the current position to be rather nebulous at times. Certain Licensing Authorities have determined that in - general terms – the concept of 'vicinity' will only stretch as far as 100 or 150 metres; others have taken the view that 400+ metres is relevant. Although it would clearly be a matter of each case on its own merits, a greater degree of consistency should be applied.
2. An absolute distance – perhaps no more than 300 metres – might be applied.
3. Yes
4. N/A
5. Yes – subject to 6 below
6. Such Policies should cover all premises where licensable activities take place (for the sake of fairness).
7. Option 2
8. No
9. Not if updated and expanded where and when necessary.

10. In general yes.
11. Yes
12. N/A
13. Yes
14. N/A
15. Yes
16. N/A
17. Yes
18. N/A
19. Only if there has been some level of evidence that intimidation has taken place, since the Act went 'live'.
20. –
21. Yes
22. N/A
23. We would wonder if this is actually necessary, bearing in mind the inclusion of references to Cumulative Impact Policies – i.e. would the Guidance itself be repeating matters referred to elsewhere?
24. –
25. Yes
26. N/A
27. Yes
28. N/A
29. Yes
30. N/A

31. Perhaps specific reference to where procedurally, there has been a departure from the (Hearing) Regulations.

Yours sincerely



Anthony M Horne
Partner