



Priory House
Monks Walk
Chicksands
Shefford
SG17 5TQ

Mrs B Morris
Director of Corporate and Democratic Services

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

please ask for Mr P Jones
direct line [REDACTED]
e-mail [REDACTED]
fax no [REDACTED]
web-site www.midbeds.gov.uk
your reference
our reference PJ/JL
date 10 April 2007

Dear Mr Richardson

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

Thank you for the opportunity to comment as part of the above consultation process.

Please find attached a summary of this Authority's responses to the questions raised.

Yours sincerely

PETER JONES

Peter Jones
Licensing Manager



Licensing Act 2003

Response to the consultation on Revised Guidance for the Licensing Act 2003

- Q1. Do you agree that the current Guidance on vicinity should remain unchanged?**

Provided it is accepted that the Licensing Authority can exercise discretion and that the term "vicinity" can be interpreted in the widest possible way we agree that the current Guidance is sufficient.

- Q3. Do you agree that the current Guidance on incidental music should be amended to expand on the factors that the Licensing Authorities may wish to consider in determining what is incidental.**

We agree that the current Guidance should be amended.

- Q5. Do you agree that the current Guidance on cumulative impact policies should remain unchanged.**

We agree that the current Guidance is sufficient.

- Q7. Do you agree that the pool of conditions in Annexes D to H should be:- Option 1 – removes from the current Guidance but consider establishing alternative sources of good practice or Option 2 – retained and updated/expanded as necessary.**

We agree there must be Guidance on conditions and that Option 2 – retaining the existing annexes and updating them with regular supplements is necessary.

- Q9. 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 responsibilities and interested parties to address emerging problems.**

No there is no risk that conditions will inhibit the promotion of further conditions.

- Q10. Do you think the pools of conditions have value in promoting consistency and/or best practice.**

Yes.

- Q11. Do you agree that the current Guidance on the role of Ward Councillors should be further clarified and expanded as proposed.**

We agree that the current Guidance on the role of Ward Members should be expanded and clarified.

Q13. Do you agree with the proposed amendment to the Guidance on authorisation of sales.

We agree there should be written authorisation for persons to authorise alcohol sales in the absence of personal licence holders and that such authorisations should be readily available for inspection.

Q15. Do you agree that the Guidance on variations should be amended as proposed.

We agree with the proposed amendment of clarification on what constitutes a variation with particular regard to variations that do not affect either licensing activities or the licensing objectives.

Q17. Do you agree that the Guidance on evidence to support representations should remain unchanged.

We agree the existing Guidance should remain unchanged.

Q19. Do you agree that it would be useful to have Guidance on how Licensing Authorities might manage concerns about potential intimidation of interest parties.

We agree that in exceptional circumstances the personal details of interested parties should not be disclosed where there is a history of a possible risk of intimidation.

Q21. Do you agree that Guidance on the control of nuisance/crime and disorder outside licensed premises should be clarified/expanded as proposed.

We agree that further Guidance for licensees on controlling nuisance and crime and disorder outside of their licensed premises should be provided.

Q23. 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.

We agree.

Q26. 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.

We agree that the Police should have separate Guidance.

Q27. Do you agree that Chapters 12 and 14 should be deleted from the Guidance.

We agree.

Q29. Are you happy with the overall format of the revised Guidance.

We agree the layout of the revised Guidance is a tangible improvement.

Q31. Are there any other issues you would like to see addressed in the revised Guidance.

We would like to see improved Guidance with regard to temporary event notices, in particular the 10 day rule, clarification of the impact of any complimentary legislation on premise applications and clear guidance on the ability to set and enforce premises capacity figures.