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Date: 03 July 2015
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Dear Michael,

Licensing Act 2003 – Review of Licencing Policy

Thank you for forwarding the draft amended Licensing Policy to Poppleston Allen, for their consideration.

Temporary Event Notices

Paragraph 3.11

The policy confirms that notices may be issued to the Licensing Authority by electronic means, which was a requirement of the EU Services Directive relating to eCommerce. As the Services Directive came into force on 28th December 2009, it would be an illegal act for a public authority such as the Police in Hampshire to refuse to accept a document because it had been sent to them electronically. It is therefore concerning that the Licensing Authority appear to be countenancing the Police's policy, which is clearly illegal.

Paragraph 3.13

The last sentence added in red states inter alia that "*will be automatically refused without any right of appeal*".

Appeal has a very specific meaning when identified with respect to the Licensing Act, and we would suggest that appeal should be replaced by "a hearing to consider the objection(s)".

Policy A2 Drugs (page 18)

"The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises".

Few licensees would agree that their premises are likely to be affected by drugs, in which case the policy does not engage. May we suggest that "likely to be affected by drugs" is removed, as all licensees should be vigilant to ensure that they are taking reasonable steps to prevent the entry of drugs into their premises.

Further, at the penultimate paragraph relating to drugs at page 19, the first sentence does not make sense, and we would suggest it should be rewritten as:

"In particular the Council will expect licensees of venues to have an understanding of drug awareness".

Policy C2 Noise from Regulated Entertainment (page 31)

The paragraph needs to be reworded because of the inability to use "inaudible" as a descriptor for noise. The paragraph should reference the World Health Organization's recommendations and /or the BSI8233: 2004 table 4 as a means of quantifying noise leakage and noise penetrations, rather than a subjective measurement which is unenforceable because it does not qualify to whom it should be inaudible.

Policy C5 Noise from Patrons (page 33)

The last bullet point *"Ensuring good public relations with neighbours, particularly for special events where a greater than usual impact is anticipated"*.

It surely cannot be the responsibility of the licensee to ensure good public relations with neighbours, as in many cases neighbours refuse to engage with licensed premises, in particular if there is some form of angst in respect of their operation. May we suggest that the bullet point be reworded to state:

"Ensuring good communication with neighbours, particularly for special events where a greater than usual impact is anticipated".

We trust the comments to be of use, and should there be any further explanation required, please do not hesitate to contact the writer of this letter.