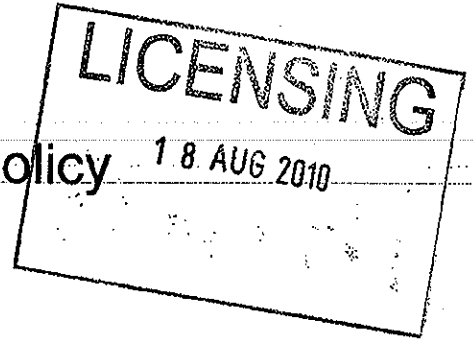

APPENDIX 2



Statement of Licensing Policy

Consultation - 2010

Your name:

AVANT LEAPS

Name of Company/Organisation:

MERSEYSIDE FIRE & RESCUE SERVICE

Contact Details:

Address:

MERSEYSIDE FIRE & RESCUE SERVICE

BLIWER ROAD, BOOTLE LIVERPOOL L30 4TD

Telephone Number:

0151 296 4639

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

- Purpose and Scope of the Licensing Policy
- Licensing Objectives
- Conditions
- Enforcement
- Cumulative Impact
- Licensing Hours
- Integrated Strategies
- Planning and Building Control
- Live Music, Dancing & Theatre
- Temporary Event Notices
- Licence Reviews
- Administration Exercise & Delegation of Functions
- Promotion of Racial Equality
- General

Purpose and Scope of the Licensing Policy

.....

.....

.....

.....

.....

.....

.....

Licensing Objectives

Within part 5.3 the 1st paragraph specifies that "the level of detail provided should be proportional to the risk scale and nature of the application to allow Responsible authorities to consider whether the licensing objectives have been met"

Any criteria of the level of detail required by the licensing authority will include the completion of a suitable and sufficient fire risk assessment

Conditions

.....

.....

.....

.....

.....

.....

.....

Enforcement

.....

.....

.....

.....

.....

.....

.....

Cumulative Impact

.....

.....

.....

.....

.....

.....

.....

Licensing Hours

.....

.....

.....

.....

.....

.....

.....

Integrated Strategies

.....

.....

.....

.....

.....

.....

.....

Planning and Building Control

.....

.....

.....

.....

.....

.....

.....

Live Music, Dancing & Theatre

.....

.....

.....

.....

.....

.....

.....

Temporary Event Notices

.....

.....

.....

.....

.....

.....

.....

Licence Reviews

.....

.....

.....

.....

.....

.....

.....

Administration Exercise & Delegation of Functions

.....

.....

.....

.....

.....

.....

.....

Promotion of Racial Equality

.....

.....

.....

.....

.....

.....

.....

General

.....

.....

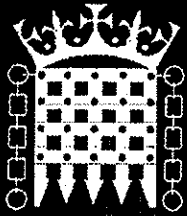
.....

.....

.....

.....

.....



Alison McGovern MP

Member of Parliament for Wirral South

www.alisonmcgovern.org.uk



Mrs Margaret O'Donnell
Head of Licensing
Metropolitan Borough of Wirral
Town Hall
Brighton Street
Wallasey
Wirral Merseyside
CH44 8ED

19 October 2010

Dear Mrs O'Donnell

Further to receipt of Wirral Borough Council's licensing policy review document I have enclosed a copy of the response proforma containing some comments that I feel merit further consideration.

Receipt of feedback on the consultation exercise would be appreciated as would a copy of the final statement of licensing policy.

Best wishes,

Rob Buckingham

P/P

Alison McGovern MP
Member of Parliament for Wirral South

Alison McGovern MP • 99 New Chester Road • New Ferry • Wirral • CH62 4RA
0151 645 6590 • alison.mcgovern.mp@parliament.uk • www.alisonmcgovern.org.uk

Statement of Licensing Policy

Consultation - 2010

Your name: Alison McGovern MP

Name of Company/Organisation: Member of Parliament

Contact Details: Constituency Office

Address: 99 New Chester Road
New Ferry, Wirral, Merseyside CH62 4RA

Telephone Number: 0151 645 6590

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

- Purpose and Scope of the Licensing Policy
- Licensing Objectives
- Conditions
- Enforcement
- Cumulative Impact
- Licensing Hours
- Integrated Strategies
- Planning and Building Control
- Live Music, Dancing & Theatre
- Temporary Event Notices
- Licence Reviews
- Administration Exercise & Delegation of Functions
- Promotion of Racial Equality
- General

Purpose and Scope of the Licensing Policy

.....

.....

.....

.....

.....

.....

.....

.....

Licensing Objectives

4.19 Should take account of nuisance to public on the highway and effect on other retailers.

4.20 (After) In cases where there appears to be a likelihood of residents (Add) or other businesses
around licensed premises being disturbed by customers.....

.....

.....

.....

.....

Conditions

.....

.....

.....

.....

.....

.....

.....

.....

Enforcement

.....

.....

.....

.....

.....

.....

Cumulative Impact

.....

.....

.....

.....

Licensing Hours

.....

.....

.....

.....

.....

.....

.....



Integrated Strategies

.....

.....

.....

.....

.....

.....

Planning and Building Control

.....

.....

.....

.....

.....

.....

Live Music, Dancing & Theatre

.....

.....

.....

.....

.....

.....

Temporary Event Notices

.....

.....

.....

.....

.....

.....

Licence Reviews

.....

.....

.....

.....

.....

.....

Administration Exercise & Delegation of Functions

.....

.....

.....

.....

.....

.....

Promotion of Racial Equality

.....

.....

.....

.....

.....

.....

.....

General

.....

.....

.....

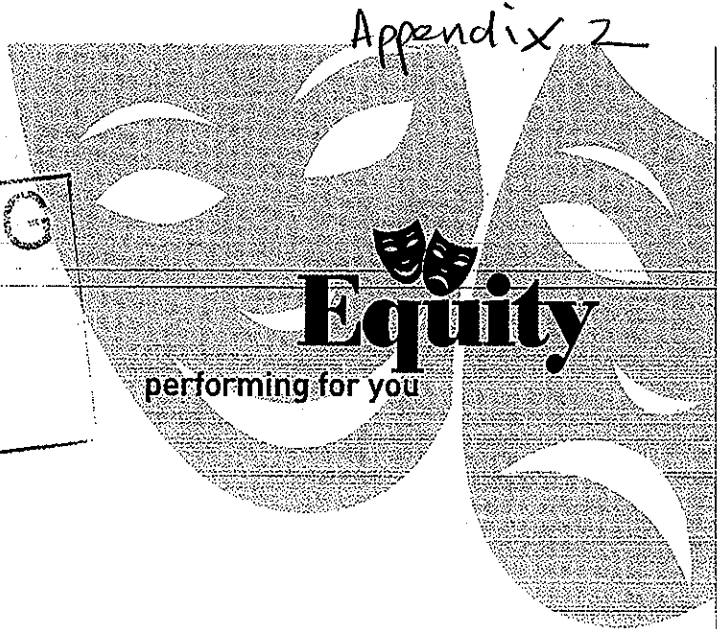
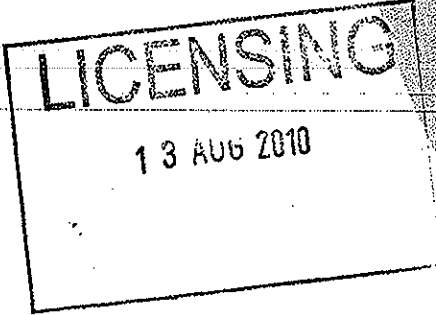
.....

.....

.....

.....





Licensing Office
Town Hall
Wallasey
Wirral
Merseyside
CH44 8ED

10th August 2010

Re: Review of Licensing Policy

I am writing to you on behalf of Equity, the trade union representing 37,000 performers and other creative professionals working in the entertainment industry, in response to the consultation exercise currently being undertaken to review your local authority licensing policy. Equity was closely involved in the Licensing Act 2003 both during its progression through the parliamentary process, and during and after its implementation.

We remain of the opinion that the inclusion of regulated entertainment in the Licensing Act 2003 is not necessary and has greatly increased bureaucracy for very little benefit to the licensing objectives. However, we are committed to working with central Government and local authorities to ensure that the Act meets the interests of performers as best as possible.

It is unfortunate that entertainment is regulated by legislation that is principally designed to deal with the sale of alcohol and public order issues. The Act includes all forms of "regulated entertainment", which includes live music, theatre and circus performances, street performances and Punch and Judy shows. Whilst there is no evidence to support such a link, we are aware that there are perceptions that live entertainment is associated with possible public order problems.

Since the new licensing regime came into force in November 2005 performers, and especially those working as variety artists, have raised major concerns about the negative impact the Act has had on their working lives and have called for important changes to the regulations. Furthermore, in recent years, many pubs and clubs have been forced to close due to falling disposable incomes. This has had a considerable knock-on effect for the employment of performers. We believe the restrictions brought about by the provisions of the Licensing Act are exacerbating this situation.

Together with the Musicians Union, Equity has recently been campaigning to secure reform of the regulation of live entertainment. We are very pleased to note that the Government is considering an exemption from the Act for live music venues with capacity for fewer than 200 people and would encourage your local authority to support such a change. Live music in small venues provides much needed

employment for musicians and singers starting out in their careers and can help small venues such as pubs and clubs diversify their business and avoid closure.

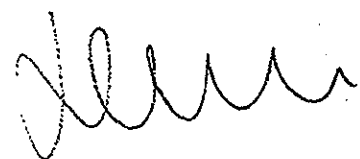
As stated above 'regulated entertainment' is a broad category. Many forms of travelling entertainment that for many years did not require a licence are covered by the provisions of the Licensing Act 2003. Consequently circuses have to get a separate licence for every single new site they go to – which can be as many as 40 each season. They also have problems if a site becomes unavailable at the last minute, as alternative sites will not ordinarily have a licence and it takes at least a further 28 days to arrange one.

In 2009 the Culture, Media and Sport Select Committee's Report into the Licensing Act contained a number of proposals which would have lifted some significant barriers to work faced by entertainers. The Report recommended the creation of portable licenses for travelling entertainment and circuses which would reduce the need for multiple applications and would provide greater freedom to perform on a basis agreed with local authorities. Equity supported these recommendations and would encourage your local authority to look into the possibility of streamlining the process of approving licences for travelling entertainment.

The Report also recommended that simplification of the Licensing Act is necessary in order to reduce bureaucracy and better meet the licensing objectives. In particular, the Committee stated that better consistency between local authorities would aid travelling performers. We would also encourage your local authority to work alongside other authorities in order to achieve this much needed consistency and to establish best practice in terms of licensing policy.

If you would like to discuss this issue further or if you require any clarification or additional information please contact Louise McMullan, Equity's Policy Development Officer & Assistant to the General Secretary at lmcmullan@equity.org.uk or on 02076700260.

Yours sincerely,



Christine Payne
General Secretary

Statement of Licensing Policy

Consultation - 2010

Your name: JACKIE HALL

Name of Company/Organisation: HOYLAKE RESIDENTS NETWORK

Contact Details: _____

Address: 90 45, CABLE RD,
HOYLAKE. CH472AT

Telephone Number: 0151-632-2152

Do you wish to receive feed back on the consultation? Yes No

Do you wish to receive a copy of the final Statement of Licensing Policy? Yes No

Please provide Comments relating to the headings below using the attachments.

- Purpose and Scope of the Licensing Policy
- Licensing Objectives
- Conditions
- Enforcement
- Cumulative Impact
- Licensing Hours
- Integrated Strategies
- Planning and Building Control
- Live Music, Dancing & Theatre
- Temporary Event Notices
- Licence Reviews
- Administration Exercise & Delegation of Functions
- Promotion of Racial Equality
- General

Purpose and Scope of the Licensing Policy

Take Residents Views 1st

Licensing Objectives

To protect the peaceful enjoyment
of Residents Property as in
W.B Council UDP.

Conditions

Strict behaviour conditions
need to be attached to licenses

Enforcement

Insufficient officers to ensure full enforcement, after hours drinking in Hoyleake.

Cumulative Impact

We have worked on this Policy and it is left unopened. The Residents, licensees and Bar Owners, Restaurantiers do not want any more licences in Hoyleake. We should call the tune.

Licensing Hours

Midnight Closure requested in Hoyleake due to the Proximity of Residential Property.

Integrated Strategies

Licensing, Planning and Police
and environmental health
do not work together.

Planning and Building Control

Residents views are ignored for
planning ideas to the detriment
of the district

Live Music, Dancing & Theatre

We do not support any activity
after midnight in Haylake.

Temporary Event Notices

These should be for special events for non-licence holders not an excuse for Bar Owners to have late drinks! Residents should be able to object

Licence Reviews

When a licensee defaults and is a nuisance greater importance should be paid to Residents views.

Administration Exercise & Delegation of Functions

Promotion of Racial Equality

No problems

General

Hoylelake wants a Cumulative Policy to stop further Bars + Licenses in a Residential Area.

D.P.R.A.

DEVONSHIRE PARK RESIDENTS ASSOCIATION

Robbie Bell
Chair
26 Rocky Bank Road
Devonshire Park
Wirral CH42 7LB
0151 652 4544
07710 399 366

Dave Pearson
Vice Chair
10 Rocky Bank Road
Devonshire Park
Wirral CH42 7LB
0151 651 2544
07974 937 407

Wednesday, 27 October 2010

Copied to Ann Bridson - Ward Councillor
Copied to Denise Realy - Ward Councillor
Copied to Simon Holbrook - Ward Councillor

Mr R Leyland,
Wirral Borough Council Licensing Authority,
Town Hall,
Brighton Street,
Wallasey,
Wirral,
CH44 8ED,

Wirral Borough Council Licensing Review.

Dear Mr Leyland,

I am contacting you on behalf of the residents from the Devonshire Park area, namely the Devonshire Park Residents Association, regarding the review you are undertaking of the Licensing Act 2003.

Devonshire Park has nearly 500 dwellings, comprising of a typical mix of housing stock usually found in mature well established locations, ranging from one bed roomed flats to

very large Victorian seven or more bed roomed family homes, with a popular of circa 1000 residents. We as a community team have been established since 2006, and primarily formed our Association to ensure we maintained the " Balance of our Community ", this encompasses a number of topics, the Sale of Alcohol being one of them. This follows our recent opposition to another outlet being granted a license to sell alcohol in the locality. Therefore may I request you consider the following points in your review as we strive to ensure our community remains a desirable place to live:

1. Too many outlets are being granted licences to sell alcohol in the same area, which must have an accumulative impact on the ease of availability of alcohol, therefore potentially impacting on all surrounding residential areas. This should be given higher consideration by WBC, especially when objections are supported by the local community, such as a Resident Assoc such as ours.
2. A bench mark must be set by WBC for an acceptable level of outlets that are granted a premises licence, ie no more than 1 in 20 shops/units per location, or whatever is deemed acceptable. These measureable procedures would then prevent an excess of licensed outlets in any one area.
3. Advertising the sale of alcohol on premises before a licence has been granted should render the application void. The assumption is that a licence from WBC is a mere formality. i.e. KK Food & Wine Application for a licence on Borough Road recently , was preceded by their shop signage advertising Alcohol Sales for some time prior to being granted a licence, this cannot be acceptable.
4. The hours of operation of any new potential outlet should be the same as those outlets already selling alcohol in the same vicinity and not extended, therefore not adding to any more disturbance than is currently experienced. If extended hours are allowed beyond existing ones, this may encourage additional footfall to purchase alcohol and might result in ASB or disturbances for the local residents.
5. The increase of outlets selling alcohol for extended hours puts more pressure on the stretched resources of services such as the police and weights and measures at a time when emergency services are being reviewed by government.
6. The implementation of a Wirral Strategy concerning alcohol abuse should be a major consideration

R.J.Bell.

Yours truly,

Robbie Bell,

Chairperson of Devonshire Park Residents Association.

13.23 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. "Need" is a matter for planning committees and for the market.

THE CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

What is cumulative impact?

13.24 "Cumulative impact" is not mentioned specifically in the 2003 Act but means in this Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

13.25 In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport. Queuing in turn may be leading to conflict, disorder and anti-social behaviour. While more flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises, it is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater in these cases than the impact of customers of individual premises. These conditions are more likely to occur in town and city centres, but may also arise in other urban centres and the suburbs.

Evidence of cumulative impact

13.26 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour; and crime prevention strategies may have already identified cumulative impact as a local problem. Similarly, environmental health officers may be able to demonstrate concentrations of valid complaints relating to noise disturbance. The open meetings recommended at paragraph 1.22 of this Guidance should also assist licensing authorities in keeping the situation as to whether an area is nearing this point under review.

13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement. In this case, it should indicate in the statement that it is adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact

on the licensing objectives which it concludes after hearing those representations should lead to refusal (see paragraphs 13.29 – 13.32 below).

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

STEPS TO A SPECIAL POLICY

- Identify concern about crime and disorder or public nuisance
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identify the boundaries of the area where problems are occurring
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation
- Include and publish details of special policy in licensing policy statement

Effect of special policies

13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

13.30 However, a special policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or need expanding.

13.32 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

13.33 It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.

13.34 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

13.35 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. The "cumulative impact" on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, "cumulative impact" relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.

13.36 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

13.37 A special policy relating to cumulative impact cannot justify and should not include provisions for a terminal hour in a particular area. For example, it would be wrong not to apply the special policy to applications that include provision to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later.

The effect would be to impose a fixed closing time akin to that under the "permitted hours" provisions of the Licensing Act 1964. Terminal hours dictated by the Licensing Act 1964 were abolished to avoid the serious problems that arise when customers exit licensed premises simultaneously. Attempting to fix a terminal hour in any area would therefore directly undermine a key purpose of the 2003 Act.

13.38 Special policies must not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard should be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

OTHER MECHANISMS FOR CONTROLLING CUMULATIVE IMPACT

13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

OTHER MEASURES TO CONTROL CUMULATIVE IMPACT

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- Other local initiatives that similarly address these problems.

13.40 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

13.41 The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

13.42 Statements of licensing policy should indicate that shops, stores and supermarkets, are free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there. Statements of licensing policy should therefore reflect this general approach.