

Appendix 2

Summary of Consultation Responses

Details of Responses	Comment	Recommendation
<p>Rowley Regis Town Service Improvement Board</p> <p>Service Improvement Boards were asked for their comments as part of the formal consultation process</p>	<p>The Board endorses the Policy but strongly suggests that the Council considers introducing a cumulative impact policy</p>	<p>Noted</p>
<p>Oldbury Town Service Improvement Board</p> <p>Service Improvement Boards were asked for their comments as part of the formal consultation process</p>	<p>The Board suggests that, where a new premises licence is received within 12 months of the date of a revocation due to under age sales of alcohol, the guidelines should be strengthened to include such wording as may be appropriate to further insure against abuse by the management involved in a revoked licence arranging for friends as well as extended family members to submit new premises licence applications for the same premises</p>	<p>The policy has already been amended to include this provision (see page 8 of the policy)</p>
<p>Tipton Town Service Improvement Board</p> <p>Service Improvement Boards were asked for their comments as part of the formal consultation process</p>	<p>The Board resolved that the Licensing Committee be informed that the Tipton Town Service Improvement Board support the proposed changes to the Statement of Licensing Policy.</p>	<p>Noted</p>

<p>Wednesbury Town Service Improvement Board</p> <p>A fair and reasonable Policy. Most of its content is already in place and working well.</p>	<p>A member felt that in reviewing the draft Statement of Licensing Policy, consideration should be given to including provisions to prevent smoking outside Licensed Premises. It was felt that smoking outside Licensed Premises set a poor example to children, gave a poor image to all towns and neighbourhoods in the Borough, caused litter and could lead to other anti-social behaviour issues. These fell under the Council's duties under public health and community safety. For this reason, it was considered appropriate for the Licensing Committee to consider including provisions in the granting of Licenses (and the review) relating to this issue and to require Licensees to ensure that their customers smoke in appropriate areas and certainly not public footpaths/ highways in front of the premises.</p> <p>The Board resolved that the Licensing Committee be informed that the Wednesbury Town Service Improvement Board support the proposed changes to the Statement of Licensing Policy and that the comments from members be taken into account in the review.</p>	<p>Conditions can only be attached to licences under the 2003 Act if they are appropriate, having regard to the licensing objectives. The statutory guidance issued under S.182 of the Act makes it clear that smoking does not come within the objectives of either public safety or the prevention of public nuisance. Conditions can be attached to prevent alcohol being taken outside where a public nuisance may have been established but smoking outside is not unlawful. Similarly, conditions cannot be attached which require the licensee to do something which is outside his/her control. The Government is currently considering whether to introduce 'health' as a separate licensing objective.</p>
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