

## APPENDIX 4 – Response to the consultation

**From:** Cantley, Patrick

**Sent:** 30 December 2021 14:42

**To:** 'clerk' **Subject:** RE: Review / Consultation of the Statement of Licensing Policy (Licensing Act 2003).

Dear Julie,

Many thanks for taking the time to reply in relation to this matter. Your comments shall be considered alongside the proposed policy at the forthcoming Licensing Committee early next year.

In advance of that process I have been asked to address the points raised in your email, dated 22<sup>nd</sup> December 2021.

*The fact that many applications for a premises license are made prior to any grant of planning or change of use approval. This is a contrary situation and a communication system between the LDNPA and SLDC needs to be devised to prevent this taking place.*

The issue of planning permission, building control approval and licensing regimes are separated. This is mainly because planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. Therefore, whilst obtaining planning permission will be necessary to allow a premises to operate the actual planning status does not prevent the Licensing Authority from issuing or varying a licence.

Despite this, please note that Revised Guidance issued under section 182 of the Licensing Act 2003 does encourage licensing committees and officers to consider discussions with their planning counterparts prior to determinations. This is intended to facilitate mutually acceptable operating hours and scheme designs etc. I would also stress that LDNPA are statutory consultees for licensing applications in respect of Windermere and Bowness. Thus, they have the entire 28 day consultation period to review, reflect and comment upon applications for the variation, grant or provisional statement of premises licence.

There needs to be a means of taking into account the overall impact of a premises license on a neighbourhood. The absence of this has led to Bowness losing much of its diversity of appeal and becoming overwhelmed with drinking establishments.

We discussed this at length during a phone conversation on 15<sup>th</sup> November 2021. As a follow up to that conversation I emailed you on the 16<sup>th</sup> November 2021 and explained that I would attend a forthcoming Bar Watch meeting for Windermere and Bowness in conjunction with Cumbria Constabulary. I subsequently attended a meeting in early December 2021 and the impact of licensed premises was discussed. Whilst I fully understand and respect this point I would stress that a lot of work needs to be done to accurately assess the full situation. Only then can further measures be considered.

Advertising of premises licensing applications is inadequate and there needs to be a rethink as to how to get information to the public so they are able to have a meaningful say.

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 dictate how applications are to be advertised. Applicants are either compliant with the requirements or they are not. In instances where the statutory requirements are not met then the application process would typically be reset so that the consultation period has the chance to run correctly and without being fatally undermined.

Wishing you all the best for the New Year.

Kind regards,

Patrick

**Patrick Cantley** | Licensing Officer

**South Lakeland District Council**, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

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Website: [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)

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**From:** clerk

**Sent:** 22 December 2021 09:42

**To:** Licensing

**Cc:** Cantley, Patrick ; Hemsley, Steven ; Hall, Sean ; Clark, Nicola **Subject:** Re: Review / Consultation of the Statement of Licensing Policy (Licensing Act 2003).

Dear Licensing

Many thanks for the opportunity to respond to the consultation. It was discussed at our planning sub-committee last week and I was asked to send you the following comments. I hope they are helpful in taking forward the service. NB they are a direct extract from the meeting minutes.

**Statement on Licensing Policy:**

This was discussed and it was decided that, given the complexity and legalese of the document, a full detailed response would not be provided, but that the opportunity would be taken to underline the following key points that the sub-committee have identified time and again on licensing issues throughout the year:

The fact that many applications for a premises license are made prior to any grant of planning or change of use approval. This is a contrary situation and a communication system between the LDNPA and SLDC needs to be devised to prevent this taking place.

There needs to be a means of taking into account the overall impact of a premises license on a neighbourhood. The absence of this has led to Bowness losing much of its diversity of appeal and becoming overwhelmed with drinking establishments.

Advertising of premises licensing applications is inadequate and there needs to be a rethink as to how to get information to the public so they are able to have a meaningful say.

Take care

Mrs Julie Hartley  
Clerk to Windermere & Bowness Town Council  
Windermere & Bowness Town Council

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**From:** Licensing <[Licensing@southlakeland.gov.uk](mailto:Licensing@southlakeland.gov.uk)>  
**Sent:** 01 December 2021 16:46  
**To:** Licensing  
**Cc:** Cantley, Patrick; Hemsley, Steven; Hall, Sean; Clark, Nicola  
**Subject:** Review / Consultation of the Statement of Licensing Policy (Licensing Act 2003).

**Dear All,**

**South Lakeland District Council is undertaking a review and consultation of its Statement of Licensing Policy, which relates to licensable activities identified under the Licensing Act. This includes the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshments. This policy was last reviewed in 2015 and is due to be republished in 2022.**

**How to get involved:**

**The Statement of Licensing Policy and a link to the on line survey can be found at <http://www.southlakeland.gov.uk/licensingactpolicyreview>**

**Contact the Licensing Team**

**Email: [licensing@southlakeland.gov.uk](mailto:licensing@southlakeland.gov.uk)**

**Or write to the Licensing Authority, South Lakeland District Council,  
South Lakeland House, Lowther Street, Kendal. LA9 4UD  
01539 733333**

Paper copies of the consultation documentation and the policy are available by contacting the Licensing Team above.

Following the end of the consultation period a report will be produced summarising all the relevant feedback and all views will be considered when finalising the policy before it is approved. The amended policy will then be published on the website. The consultation closes on the 9th January 2022.

Kind regards,

Licensing Team

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

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**IMPORTANT CORONAVIRUS (COVID-19) INFORMATION:** Please note that South Lakeland District Council is prioritising its work and resources to meet the demands of the Coronavirus (Covid-19) response. We are also working hard to maintain our key services and to continue progress on critical projects. However, the current situation will mean that some non-essential work and responses to nonessential enquiries may take longer than usual. We appreciate your understanding during this difficult time.

South Lakeland District Council

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