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30<sup>th</sup> March 2007

Dear Mr Richardson,

Thank you for the opportunity to respond to the proposed changes to revised guidance under section 182 of the Licensing Act 2003.

### **Questions 1 & 2 Guidance of Vicinity**

The current guidance means that people who use a pub on a regular basis are often prevented from having their views heard on the grounds that they do not reside in the local area. The ideal solution to this would be to amend the Act to include pub consumers as an interested party in their own right.

Given that this is not a consultation on amending the Act CAMRA would suggest that a definition of vicinity should be introduced that seeks to give a voice to the local community which the pub serves. Public houses are a valuable community amenity and a fundamental change in a pub's premises' character and style of operation could damage a pub's relationship with the community. Damaging the link between a community pub and the local community could lead to the licensing objectives being undermined.

In rural communities the loss of a public house can impact on the whole village and in such instances CAMRA believes that the definition of vicinity should include all those living in the community. In an urban area CAMRA would suggest that all those living within walking distance of the pub (300 metres) should be included in the definition of vicinity.

### **Question 3 & 4: Incidental Music**

The proposed amendments to the guidance on incidental music appear to offer an improved framework for determining whether music is or is not an incidental activity. In particular they offer greater clarity to both public and licensees.

CAMRA agrees with the view that a narrow definition or a set of examples would be problematic, as there would always be exceptions.

### **Question 5 and 6: Cumulative Impact Policies**

CAMRA does not believe cumulative impact policies are beneficial. In our view every new application and variation should be dealt with on its individual merits.

Cumulative impact policies are a blunt instrument that may be used by Local Authorities as an alternative to solving problems related to licensed premises. CAMRA therefore agrees that before implementing a cumulative impact policy Local Authorities should be required to take steps to mitigate harm. In particular they should seek to work in partnership with local venues over issues such as transport, litter and public disorder. Initiatives such as the nationwide Best Bar None; as well as local schemes such as Manchester City Safe; and the Norwich SOS Bus Project are a more creative and constructive means of tackling cumulative impact.

Cumulative impact policies could also have the following negative consequences:

- Contribute to a negative image of a particular area and therefore discouraging tourists and older consumers from using a particular area, thereby creating a late night ghetto effect.
- Discouraging new operators from investing in new premises which might offer a wider mix of people, a mix which would help reduce problems of noise and rowdiness. Research from MCM Research into Conflict and Violence in Pubs shows that “pubs which cater predominantly for age groups 18-30 years old experience far larger numbers of fights”

CAMRA believes where a cumulative impact policy exists it should also apply to off licences. The sale of cheap alcohol by off licences has the potential to fuel cumulative impact. Research by CAMRA in the period just before Christmas found that supermarkets were selling Fosters and Carling lager for the equivalent of 54p a pint. This equates to just 16p before tax. Bottled water was selling in the same period for the equivalent of 49p a pint.

### **Questions 13 and 14: Role of Designated Premises Supervisor**

CAMRA supports proposals to amend guidelines to restate that the Designated Premises Supervisor does not have to be on the premises at all times. Also, the addition of the statement that written authorisation clearly demonstrates due diligence is important as it offers protection to designated premises supervisors from enforcement bodies misinterpreting the law.

**Question 23 and 24: Longer Hours**

To a large extent the original guidance has served its purpose in establishing more varied closing times, thereby mitigating the effect of all premises closing at a uniform time. CAMRA has no objection to a rewording of the guidance to reflect the fact that fixed closing times are no longer in force.

Yours sincerely

Jonathan Mail  
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