

**CONSULTEE COMMENTS**

<b>CONSULTEE</b>	<b>PAGE</b>	<b>COMMENTS</b>	<b>PROPOSED RESPONSE</b>
National Pub Watch	N/A	Request that consultation be forwarded to local pub watch groups.	Request complied with but no response received.
Bargain Booze	51	Remove reference to the restriction of price promotion activity from the policy as it is believed that this section breaches both the spirit and the letter of competition law and that currently there is no proven link between alcohol abuse and the effects of price promotion.	The Alcohol Education and Research Council are scheduled to undertake research into the effects of price promotion and alcohol abuse in 2007/2008.  Existing paragraph in policy extremely reasonable.
	68	The policy suggests that "... where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence ...". The clause as currently drafted has the potential to restrict sales to and purchases by legitimate customers. This is clearly unfair and anti-competitive.	The policy is consistent with the advice issued by the Portman Group.

CONSULTEE	PAGE	COMMENTS	PROPOSED RESPONSE
Punch Taverns	Appendix H	<p><u>Cumulative Impact Policy</u></p> <p>Material variations should be deemed to exclude the following:-</p> <ol style="list-style-type: none"> <li>1. Applications which seek to vary the hours which existing premises within the special policy area can undertake licensable activities. In this regard it is submitted that the avoidance of fixed and artificially early closing times assist in preventing rapid binge drinking and the possibility of disorder and disturbance when large numbers of customers are required to leave premises simultaneously.</li> <li>2. The DCMS state in the guidance issued under Section 182 of the Licensing Act 2003 (6.6) that "Above all, Licensing Authorities should not fix pre-determined closing times for particular areas".</li> </ol> <p>Material Variations should include the following:-</p> <ol style="list-style-type: none"> <li>3. Applications which seek to increase the licensed area of a premises (be this an increase to the licensed areas indoors or outdoors) by say 10% or more (to allow for modest variations to premises due to refurbishments, etc.).</li> </ol>	<p>The suggestions are inconsistent with Guildford Borough Council v. J D Wetherspoon in the High Court.</p>