

Schedule of Responses to Licensing Policy 2004

Reference	Respondent	Comments	Appraisal	Response
001/04	Young and Pearce, Solicitors	<ol style="list-style-type: none"> 1. Draft Statement clear and precise. 2. Concerned about cost to applicant if Public Notice is required in two newspapers. 3. Emphasise need to supply full Contacts list of 'Responsible Authorities' 	<p>The supportive response has been noted.</p> <p>Draft Licensing Regulation 25 relating to applications for premises licences etc. includes the need to advertise in one local newspaper.</p> <p>Paragraph 3.41 of the DCMS Guidance issued under Section 182 of the Licensing Act requires that policy statements should indicate which body the Licensing Authority judges to be competent...and where copies of applications will need to be sent.</p>	<p>None required</p> <p>Amend draft Licensing Policy Statement paragraph 11.4 relating to the advertisement of applications in line with the Licensing Regulations.</p> <p>Full contact details for all responsible authorities to be placed within Appendix I of the Policy Statement.</p>
002/04	Roger Helmer, MEP	<ol style="list-style-type: none"> 4. Thanks the Authority for sending him the Policy. 	<p>Noted the response.</p>	<p>None required.</p>
003/04	Equity, Midlands Office	<ol style="list-style-type: none"> 5. Pleased to note the reference to live music, dancing and Theatre and Cultural strategy in Section 4. 6. Wish to expand our policy in a positive way to encourage the arts and entertainment. 	<p>This favourable response is noted.</p> <p>Paragraph 3.49 of the DCMS Guidance issued under Section 182 of the Licensing Act requires that progressive measures are taken to ensure that everyone can participate in the cultural life of the</p>	<p>None required.</p> <p>No amendments needed.</p>

		<p>7. That the Council will seek premises licenses for public spaces in the community in its own name.</p> <p>8. That the Council will monitor the impact of licensing on regulated entertainment to ensure that only necessary, proportionate and reasonable licensing conditions impose restrictions on such events.</p>	<p>community and enjoy the arts.</p> <p>Paragraph 4.2 of the draft Policy Statement currently refers to the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally as part of the implementation of the council's Leisure Services Strategy.</p> <p>Paragraph 3.59 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that local authorities should consider establishing a policy of seeking premises licences for public open spaces within the community in their own name. Paragraph 4.4 of the draft Policy Statement intends this approach to public spaces in the Borough.</p> <p>Paragraph 3.47 of the DCMS Guidance issued under Section 182 of the Licensing Act requires such monitoring and that only necessary, proportionate and reasonable licensing conditions impose restrictions on events. Paragraph 4.2 of the draft Licensing Policy Statement</p>	<p>No amendments required.</p> <p>No amendments required.</p>
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		<p>9. The Council will review its Licensing Policy where there is an indication that licensing conditions are deterring events.</p>	<p>already expresses these requirements.</p> <p>Paragraph 3.47 of the DCMS Guidance issued under Section 182 of the Licensing Act requires such a review. Paragraph 4.2 of the draft Licensing Policy Statement already expresses this intention.</p>	<p>No amendments required.</p>
004/04	Burton Joyce Preservation Society	<p>10. The Society disagrees with the Licensing Policy Statement at paragraph. 4.1 that ‘The Authority recognises that licensed premises in the Borough are a major contributor to the Borough attracting tourists and visitors...’</p> <p>11. Instead the Society believes that the drinking and clubbing culture in Nottingham is a major deterrent to genuine tourists and visitors.</p>	<p>The view of the Burton Joyce Preservation Society is acknowledged on the level of tourists and visitors attracted by licensed premises.</p> <p>Paragraph 3.47 of the DCMS Guidance issued under Section 182 of the Licensing Act requires that licensing authorities monitor the impact of licensing on the provision of regulated entertainment. Each local authority in the region is preparing its own licensing policy to individually reflect the different issues affecting their area, such as numbers of clubs which are very limited in the Gedling area but much more numerous in the city of Nottingham.</p>	<p>Amend draft Licensing Policy Statement paragraph 4.1 to read, ‘...that licensed premises are a contributor to the Borough attracting tourists and visitors...’</p> <p>No amendment required.</p>

		<p>12. Comment that statements made in paragraphs. 4.3 and 6.2 appear to be conflicting.</p>	<p>The draft Licensing Policy Statement paragraph 4.2 reflects the DCMS guidance. Paragraphs 4.3 and 6.2 in the draft Licensing Policy Statement reflect paragraphs 3.51 and 3.12 of the DCMS Guidance issued under Section 182 of the Licensing Act respectively. The underlying theme is to ensure that Licensing Policy Statements are kept in tune with local cultural and tourist requirements and not restrictive as regards competition.</p>	<p>No amendment required.</p>
		<p>13. Paras. 7.6 and 7.7 - That the key measures of the Alcohol Harm Reduction Strategy are platitudes only. Concern over local alcohol related crime by an influx of young drinkers who travel out from the city; low level of rural policing, illegal drug dealing and sales of alcohol to under-aged persons.</p>	<p>The view of the Society is acknowledged. Two of the licensing objectives which a licensing authority must have regard to when administering the licensing provisions of the legislation relate specifically to the prevention of crime and disorder and the protection of children from harm and are laid out in the draft policy in line with national guidance.</p>	<p>No amendment required.</p>
		<p>14. Agrees with para. 8.3 in the draft Licensing Policy regarding mechanisms available for addressing the potential impact of anti-social behaviour and urges the Police and Local Authorities to</p>	<p>The supportive comment from the Society is noted.</p>	<p>None required.</p>

		<p>utilise their powers to the full.</p> <p>15. Finds the Statement too long-winded and repetitive with the important messages submerged in the verbiage.</p>	<p>The comments of the Society are acknowledged. The draft Licensing Policy Statement reflects the level of detail required for inclusion from the Licensing Act and the detailed DCMS Guidance issued under Section 182 of the Licensing Act. The policy is intended for reference by Licensing Panels when making determinations of applications and by applicants and any legal representative.</p>	<p>No amendment required.</p>
005/04	Security Industry Authority	<p>16. Emphasise that Door Supervisors need to be licensed by the SIA and that a condition on any Premises Licence requiring Door Persons should state that each such person must be licensed by the Security Industry Authority.</p>	<p>Paragraph 7.70 of the DCMS Guidance issued under Section 182 of the Licensing Act stipulates that where a security activity is required for a premises a condition requiring that each person be licensed by the Security Industry Authority (SIA) is needed.</p> <p>Appendix E to the draft Licensing Policy Statement contains in point 1.3 'Door Supervisors' the requirement for the supervisors to be registered with the SIA.</p>	<p>No amendment required.</p>
006/04	Councillor Stella Lane	<p>17. States the Borough Council already has a responsibility for crime reduction, food safety, noise pollution and feels reassured that by bringing in Licensing, the Borough Council will be more able</p>	<p>The supportive comments of Councillor Stella Lane to the Licensing Policy Statement are acknowledged.</p>	<p>None required.</p>

		<p>to make sure the functions work together.</p> <p>18. Is concerned about cost of administering this process and also the cost to applicants.</p>	<p>Central Government is undertaking a national consultation exercise with local authorities and the trade over proposed costs attached to the various licence applications to ensure the final costs are fair to both applicants and licensing authorities.</p>	<p>None required.</p>
007/04	Chartered Institute of Environmental Health	<p>19. The Institute are interested to review LA's draft statements but cannot comment on every one received due to over-committed resources.</p>	<p>The comment of the CIEH is noted.</p>	<p>None required.</p>
008/04	Mr and Mrs E. Evans, residents of Calverton	<p>20. Implied support for policy 8.2 regarding applicants having to show in their operating policy schedules how they will be 'good neighbours' and help in minimising or preventing public nuisance.</p>	<p>The support for policy 8.2 is welcomed.</p>	<p>None required.</p>
009/04	Campaign for Real Ale Ltd (CAMRA)	<p>21. Make general comments for inclusion in licensing policy statements emphasising that small scale, traditional style, well run community public houses with a mixed age customer base will fulfil the licensing objectives.</p>	<p>The draft Licensing Regulations and DCMS Guidance issued under Section 182 of the Licensing Act set out the range of information required to support an application and promote the licensing objectives which take into account many of the comments from CAMRA. The draft Licensing Policy Statement</p>	<p>None required.</p>

		<p>22. Customers should be consulted on draft licensing policies and involved in local forums.</p>	<p>reflects the national legislation and guidance in these respects.</p> <p>Section 5(3) of the Licensing Act requires the licensing authorities consult with a range of organisations and persons, including residents before determining its Licensing Policy Statement. Schedule 8 of the Act adds a number of existing licence holders to the list of consultees. Beyond the statutory consultation requirements local authorities have to decide upon the degree of additional consultation e.g. to customers having regard to cost and time. The consultation undertaken on the first draft Licensing Policy Statement has been particularly extensive and open to the public to respond. The web site of this Authority has made it possible for some persons living outside the Borough but frequenting licensed premises in the area to make any comments they wish to make. No comments have been received from patrons living outside the area.</p>	<p>Consider widening future consultation to customers of local licensed premises at the time of the next Licensing Policy Statement due in 2008.</p>
010/04	Area Child Protection Committee, Nottinghamshire	<p>23. Unable to give detailed feedback other than that the document refers to both the ACPC and the</p>	<p>Section 5(3) of the Licensing Act does not specifically require that a licensing authority</p>	<p>Full contact details for all responsible authorities to be placed within Appendix</p>

	County Council	Social Services Department and once the NCC have resolved both locally and nationally who will be the 'Responsible Authority' they will let us know.	consult with the local Area Child Protection Committee before determining its Licensing Policy Statement. However its input into the application process as a 'responsible authority' with a duty to comment upon all licensing applications is acknowledged and recognised within the draft Licensing Policy Statement. Details of the 'responsible authority' on child protection matters are to be placed within Appendix I of the Policy Statement for the benefit of applicants.	I of the Policy Statement.
011/04	Royal Society for the Prevention of Cruelty to Animals	<p>24. Consider that circuses fall within the definition of regulated entertainment and therefore all circuses should be required to apply for a premises or temporary event notice.</p> <p>25. Actively encourage local authorities to refuse permission for circuses to use their land because current legislation is inadequate to</p>	<p>Paragraph 5.10 of the DCMS Guidance issued under Section 182 of the Licensing Act does not specifically mention circuses as being included under Schedule 1 to the Licensing Act as a form of 'regulated entertainment' but circuses could be included under the more general description of 'entertainment of a similar description to...the performance of live music, recorded music and the performance of dance'.</p> <p>Comment noted.</p>	<p>Provided no legal precedent in the future removes the possibility of circuses being regarded as 'regulated entertainment' the draft Licensing Policy Statement will embrace such applications and no changes to the policy are necessary.</p> <p>No implication directly for the Licensing Policy Statement. Referred to Leisure Services.</p>

		ensure the welfare of circus animals.		
012/04	Enterprise Inns plc	26. Request deletion of policy 7.3 as the DDA does not provide any powers for the local authority to enforce compliance.	<p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that 'the only conditions which should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives'. There remains however the link between disability and the public safety licensing objective. Paragraphs 7.8 to 7.10 in the DCMS Guidance issued under Section 182 of the Licensing Act give further guidance to local authorities on matters relevant to disabled people.</p> <p>Licensing condition 2.2 contained in Appendix E to the Licensing Policy Statement is concerned with situations where the safety of the public are not adequately covered to</p>	Policy 7.3 should be removed from the Licensing Policy Statement.

		<p>27. Ensure Responsible Authorities addresses are specified in Appendix.</p>	<p>ensure that when disabled persons are present adequate arrangements exist to enable their safe evacuation and that disabled persons are made aware of those arrangements.</p> <p>Paragraph 3.41 of the DCMS Guidance issued under Section 182 of the Licensing Act requires that policy statements should indicate which body the Licensing Authority judges to be competent...and where copies of applications will need to be sent.</p>	<p>Full contact details for all responsible authorities to be placed within Appendix I of the Policy Statement.</p>
		<p>28. Clarification of the number of public notices required in newspapers - paragraph 11.4 and demonstration of service of application to the 'responsible authorities' in paragraph 11.5. Delete policy 11.1 and refer to Government regulations instead.</p>	<p>Draft Licensing Regulation 25 relating to applications for premises licences etc. includes the need to advertise in one local newspaper. The draft application form for a premises licence includes as a check list item for the applicant to remind them that they have sent copies of the application to the responsible authorities and others where applicable.</p>	<p>Amend draft Licensing Policy Statement paragraph 11.4 relating to the advertisement of applications in line with the Licensing Regulations. Amend draft Licensing Policy Statement paragraph 11.5 to remind applicants to have sent copies of the application to the responsible authorities and others where applicable as required on the prescribed application form.</p>
		<p>29. Wish clarification of the consultation process as set out in</p>	<p>Section 13.4 of the Licensing Act sets out the 'responsible</p>	<p>Remove paragraphs 11.6 and 11.7 in the draft</p>

		paragraph 11.6.	authorities' that copies of applications must be sent to by the applicant. The underpinning Licensing draft Regulations contain details of the advertisement of applications to bring an application to the attention of other persons with an interest in the matter and who may wish to make a 'relevant representation' to the licensing authority.	Licensing Policy Statement.
013/04	Nottinghamshire Fire and Rescue Service	<p>30. The Fire Authority intend to formalise their approach with LAs by detailing our respective roles within a Service Level Agreement (SLA).</p> <p>31. Any enforcement action taken against premises by the FA will be under the remit of the primary Fire Safety legislation.</p> <p>32. Applications requiring FA guidance prior to submission will be clarified within the SLA.</p> <p>33. Encourage certain applicants to contact the fire authority prior to the submission of relevant</p>	<p>Fire Authorities have a statutory licensing role as a 'responsible authority' under the Licensing Act.</p> <p>Noted the response.</p> <p>Noted the response.</p> <p>The Licensing Act and underpinning Regulations set out the requirements relating to</p>	<p>The development of a service level agreement to enable the fire authority to respond to its statutory licensing function as a 'responsible authority' under the Act is welcomed but does not affect the content of the Licensing Policy Statement.</p> <p>None required.</p> <p>None required.</p> <p>None required.</p>

		<p>applications that will require Fire authority guidance. This matter will be included in the SLA.</p> <p>34. Concerned that a copy of every type of licensing application will be sent to the Fire authority.</p> <p>35. The Fire Authority feels that in addition to those matters already detailed within our draft document, the role of a Fire Strategy, suitable Risk Assessment and Occupancy levels should be emphasised within the proposed list and be included in the premises Operating Schedule.</p>	<p>applications being sent to all 'responsible authorities'. Paragraph 5.47 of the Guidance issued under Section 182 of the Licensing Act mentions that 'this does not mean that applicants must check their operating schedules with responsible authorities about the steps that are necessary for the promotion of the licensing objectives...but when uncertain, the responsible authorities can provide expert advice on matters relating to the licensing objectives...'</p> <p>The Licensing Act and underpinning Regulations set out the statutory requirements relating to which applications copies must be sent out to the 'responsible authorities'.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that 'the only conditions which</p>	<p>None required.</p> <p>None required.</p>
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			<p>should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives’.</p> <p>Paragraph 7.34 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that ‘safe capacities’ should only be imposed where necessary for the promotion of public safety or the prevention of disorder on relevant premises. The guidance notes that the licensing Authority should give particular weight to the representations of the Fire Authority in situation where a fire certificate had been previously granted when the future use of a premises was not known.</p> <p>The matters required for inclusion on the operating schedule are provided by Regulation and do allow for an applicant to include information on fulfilling the public safety and crime and disorder licensing objectives. The Fire Authority will have the role that includes discussing fire safety issues with the applicant as part of the</p>	
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		<p>36. The Workplace Regulations should be added to the list of other regulatory systems which affect the licensing system.</p> <p>37. Greater emphasis should be placed within the policy document on the undertaking of a risk based approach to the inspection of licensed premises, by both the LA and other key agencies.</p>	<p>application process.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that ‘the only conditions which should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives’. The Workplace (Health, Safety and Welfare) Regulations apply to businesses employing staff and contraventions would be corrected using existing health and safety enforcement powers.</p> <p>A national risk-based inspection approach is currently being considered by LACORS for enforcement bodies to use in relation to licensed premises.</p>	<p>None required.</p> <p>Amend 12.2 of the draft Licensing Policy Statement to read, ‘...both risk based proactive and reactive enforcement protocols...’</p>
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014/04	East Midlands Ambulance Service NHS Trust	38. Have no comments or views to make on the Policy but thank us for including them in the consultation process.	Note the response.	No action required.
015/04	The Association of Licensed Multiple Retailers	<p>39. The draft appears to be fair and well balanced and is clear and concise.</p> <p>40. Concerned that the references in the draft policy to the issues which the Council will expect applicants to address may not be appropriate for all types or size of premises. The document must stress that it is for the applicant to consider whether and how to address these issues in their operating statement, and it should make clear that not referring to a particular will not count against the applicant.</p> <p>41. Wish that references in the policy to 'the Council' should be replaced with 'licensing authority'.</p>	<p>To note the supportive comments of the Association.</p> <p>Regulations will prescribe the format of the application form and the details required from applicants. Paragraph 5.46 of the DCMS Guidance issued under Section 182 of the Licensing Act states that 'an operating schedule should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory'. Where a responsible authority is not satisfied in their opinion this is a matter for them to take up with the applicant and would be reflected, where necessary in the response to the licensing authority.</p> <p>There are references to the 'Authority' meaning the Licensing Authority when 'Council' are used in the</p>	<p>No action needed.</p> <p>No amendment required.</p> <p>Amend all erroneous occurrences of the word 'Council' with the word 'Authority' as introduced in</p>

		<p>42. Some information on the scale and scope of the licensed retail trade covered by this policy should be included in the general background.</p> <p>43. Think it would be helpful to conclude the list of licensing objectives with a reference to the fact that these objectives are the only matters to be taken into account in determining the application and that if no representations are received the application must be granted in the terms sought and no additional conditions imposed.</p> <p>44. No legal basis for insisting that planning consent be sought first nor that, in its absence, the licensing authority can refuse to determine an application.</p>	<p>document.</p> <p>There is some reference to the numbers and distribution of licensed premises in paragraph 3.2 of the draft Licensing Policy Statement.</p> <p>Section 4 of the Licensing Act states it is the duty of all licensing authorities to carry out their functions under the Act with a view to promoting the four licensing objectives. When 'responsible authorities' consider applications their representations must relate to one or more of the licensing objectives. Where no representations are received the application must be granted.</p> <p>Paragraph 3.51 of the DCMS Guidance issued under Section 182 of the Licensing Act states that 'applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned'. The draft Policy 7.2 follows the tone of the national guidance but</p>	<p>paragraph 1.2 of the draft Licensing Policy Statement.</p> <p>No change required.</p> <p>No changes required.</p> <p>No changes needed.</p>
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		<p>45. Provision of access to services for disabled people is not appropriate for inclusion in a licensing policy as it is adequately covered by separate statutory legislation.</p>	<p>allows for applications to be made where prior planning permission has not been obtained in exceptional circumstances.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that 'the only conditions which should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives'. There remains however the link between disability and the public safety licensing objective. Paragraphs 7.8 to 7.10 in the DCMS Guidance issued under Section 182 of the Licensing Act give further guidance to local authorities on matters relevant to disabled people.</p> <p>Licensing condition 2.2 contained in Appendix E to the</p>	<p>Policy 7.3 should be removed from the Licensing Policy Statement.</p>
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		<p>46. Consideration of impact. Wish to remind the licensing authority that control measures or issues referred to in applications should relate to matters under the direct control of the licensee. Transport facilities are mentioned in several places and care will need to be taken in the wording of this.</p> <p>47. No legal basis for requiring a risk assessment, certification and testing to be produced in support of an application.</p>	<p>Licensing Policy Statement is concerned with situations where the safety of the public are not adequately covered to ensure that when disabled persons are present adequate arrangements exist to enable their safe evacuation and that disabled persons are made aware of those arrangements.</p> <p>Paragraph 3.11 of the DCMS Guidance issued under Section 182 of the Licensing Act states, 'licensing is about regulating the carrying on of licensable activities on licensed premises...and that the conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and in the vicinity of those premises'.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory</p>	<p>No changes required.</p> <p>No changes required.</p>
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			<p>responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that ‘the only conditions which should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives’.</p> <p>The national pool of model conditions issued by the Secretary of State (reproduced in Appendix E to the draft Licensing Policy Statement) enables a number of conditions to be added to a licence in support of the licensing objectives where existing legislation does not already adequately provide for the safety of the public, club members or guests, including requiring safety checks (paragraph 2.4) and the certification of temporary wiring (paragraph 2.13). The pool of conditions states in section 2 that, ‘conditions... should not duplicate other requirements of the law’.</p>	
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		<p>48. The Council appears to have decided that it will adopt a special saturation policy, but has not provided any evidence to support that nor detail as to which areas it will apply to.</p> <p>49. The list of items relating to the protection of children from harm should make clear that 'gambling' in the list of inappropriate activities relates to substantial gambling operations and not the inclusion of a small number of AWP machines in pubs.</p> <p>50. Representations by 'Responsible Authorities' only are relevant and care will need to be taken when replying on representations which fall outside these.</p>	<p>Paragraphs 3.13 to 3.27 of the DCMS Guidance issued under Section 182 of the Licensing Act are concerned with 'cumulative impact'. There is no current evidence from the Police to support paragraphs 8.10 to 8.24 including policy numbers 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8.</p> <p>Paragraph 3.37 of the DCMS Guidance issued under Section 182 of the Licensing Act notes with respect to children that, 'the policy statement should highlight areas that will give rise to particular concern... including premises where... there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines'.</p> <p>Section 4 of the Licensing Act states it is the duty of all licensing authorities to carry out their functions under the Act with a view to promoting the four licensing objectives. When</p>	<p>The wording of paragraphs 8.10 to 8.24 should be reworded to reflect the lack of current evidence supporting cumulative impact but the policies should be retained in the Licensing policy Statement for future implementation should evidence for a saturation zone become available from responsible authorities.</p> <p>Modify paragraph 9.3 relating to gambling in line with paragraph 3.37 of the DCMS Guidance issued under Section 182 of the Licensing Act.</p> <p>No changes required.</p>
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		<p>51. No legal basis for insisting on a particular local paper in which to advertise the applications, nor for requiring applicants to provide proof of service.</p> <p>52. It should be made clear that the requirement to produce an operating schedule does not apply to those seeking to convert existing licenses under the transitional provisions.</p> <p>53. Reference should be made to the</p>	<p>‘responsible authorities’ consider applications their representations must relate to one or more of the licensing objectives. Representations from ‘interested parties’ that are considered not to be frivolous or vexatious by the authority will be considered.</p> <p>Draft Regulation 25 regarding requires that applications shall include being advertised in a local newspaper circulating in the vicinity of the premises.</p> <p>The draft application form for a premises licence includes as a check list item for the applicant to remind them that they have sent copies of the application to the responsible authorities and others where applicable.</p> <p>Schedule 8 of the Act refers to an application being made using the specified application form. The draft Regulations application form incorporates the operating schedule questions.</p> <p>Paragraph 5.104 of the</p>	<p>Amend draft Licensing Policy Statement paragraph 11.1 relating to the advertisement of applications in line with the Licensing Regulations. Amend draft Licensing Policy Statement paragraph 11.5 to remind applicants to have sent copies of the application to the responsible authorities and others where applicable as required on the prescribed application form.</p> <p>No change required.</p> <p>No change required.</p>
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		<p>need for representations requesting a review of a licence to avoid repeating previous complaints.</p> <p>54. The section on personal licences should make clear that the requirement to provide a CRB certificate and qualification do not apply to those seeking to convert existing licences under the transitional provisions.</p>	<p>Guidance issued under Section 182 of the Licensing Act notes that where a request for a licence review originates from a third party, that the licensing authority first considers whether the complaint made is not relevant, vexatious, frivolous or repetitious. The draft Licensing Policy Statement contains a stated reason to Policy 11.4 'to ensure that requests are not frivolous or vexatious.'</p> <p>Paragraph 4.2 of the Guidance issued under Section 182 of the Licensing Act contains the requirements for an individual seeking a personal licence under the transitional arrangements. Policy 11.5 in the Licensing Policy Statement identifies the need for a Criminal Records Bureau certificate in all cases except for 'Grandfather Rights' applications made in the transitional period.</p>	<p>No change required.</p>
016/04	Nottinghamshire County Drug and Alcohol Action Team	<p>55. List a number of points under each of the four key licensing objectives to be borne in mind when considering applications.</p>	<p>A number of the comments will be useful additions for inclusion in guidance notes for applicants to help show how they intend to promote the four licensing objectives when completing the operating schedule as part of the application form. Paragraph</p>	<p>No changes required to the Licensing Policy Statement.</p>

			3.55 of the Guidance issued under Section 182 of the Licensing Act however notes that statements of policy should avoid the use of standardised conditions on all premises such as the requirement that CCTV be installed at all premises.	
017/04	British Beer and Pub Association	<p>56. Pleased the policy recognises that each application will be considered individually and on its own merits.</p> <p>57. Pleased that the Authority recognises that licensed premises in the Borough are a major contributor to the Borough attracting tourists and visitors, making for vibrant communities and providing employment opportunities.</p> <p>58. Paragraph 5.3- 'suitability and fitness of applicants'</p> <p>59. Policy 7.1 -Request confirmation that the four licensing objectives have equal weight.</p>	<p>This response acknowledges the licensing intentions contained in paragraphs 1.3 and 5.4 of the draft Licensing Policy Statement is noted.</p> <p>This supportive statement is noted.</p> <p>The comments of the Association are in line with the Licensing Act requirements for applications.</p> <p>Paragraph 2.6 of the Guidance issued under Section 182 of the Licensing Act states that each licensing objective is of equal importance.</p>	<p>No change required.</p> <p>Draft policy being amended in light of comments of the Burton Joyce Preservation society.</p> <p>Add, 'where appropriate' after, 'Proper regard will be given to the following' in paragraph 5.3 to the draft Licensing Policy statement.</p> <p>Add in paragraph 5.1 after the four licensing objectives, 'that each licensing objective is of equal importance.' Amend</p>

		<p>60. Paragraphs 7.7, 8.1 and Policy 9.1 in the draft Licensing Policy Statement request clarification that conditions cannot be imposed except where they are included within an applicant's operating schedule or where there are valid objections to a licence on the grounds of one of the licensing objectives.</p>	<p>Paragraph 7.4 of the Guidance issued under Section 182 of the Licensing Act supports the comments of the Association. Paragraph 7.7 of the draft Licensing Policy Statement does state that, 'The Authority will take into account the Alcohol Harm Reduction Survey ...when making decisions on applications' in circumstances related to alcohol-related crime and disorder as part of the prevention of crime and disorder licensing objective.</p> <p>Paragraph 3.11 of the DCMS Guidance issued under Section 182 of the Licensing Act states, 'licensing is about regulating the carrying on of licensable activities on licensed premises...and that the conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities</p>	<p>Policy 7.1 to read, 'The authority will have regard to the likely impact...'</p> <p>No change required.</p>
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		<p>61. Policy 7.3 Suggest this is a duplication of existing DDA legislation and should have no place in a licensing policy.</p> <p>62. Policy 7.4 Suggest this is a duplication of existing racial discrimination legislation and should have no place in a licensing policy.</p>	<p>and in the vicinity of those premises’.</p> <p>Policy 9.1 is a statement reflecting the need to impose conditions where the representations require this in order to promote the licensing objectives and is in line with both paragraphs 7.4 and 7.5 of the DCMS Guidance issued under Section 182 of the Licensing Act.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club.</p> <p>Notwithstanding paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act, paragraph 3.52 separately notes that ‘a statement of licensing policy should also recognise that the Race Relations Act 176, as amended places a legal obligation on public authorities</p>	<p>Policy 7.3 should be removed from the Licensing Policy Statement.</p> <p>Policy 7.4 should be removed from the Licensing Policy Statement but the reference to the Act in paragraph 7.18 should be retained in line with the expectations of the national guidance.</p>
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		<p>63. Seek clarification of para. 8.12 regarding cumulative impact.</p> <p>64. Seek clarification of whether the amount of seating available will always be relevant to every application.</p> <p>65. Seek clarification of which premises licence applications need to be a 'variation' or 'new'.</p>	<p>to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.' And, 'the statement of licensing policy should therefore refer to this legislation ...'</p> <p>Paragraphs 3.13 to 3.28 of the DCMS Guidance issued under Section 182 of the Licensing Act relate to cumulative impact. There is no current evidence from the Police to support paragraphs 8.10 to 8.24 including policy numbers 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8.</p> <p>Policy 11.2 and Policy 11.8 refer to the expected content of information to be included in the operating schedule in an application.</p> <p>Policy 11.3 already identifies that variations consisting of substantial works will be dealt with either as an application for</p>	<p>The wording of paragraphs 8.10 to 8.24 should be reworded to reflect the lack of current evidence supporting cumulative impact but the policies should be retained in the Licensing policy Statement for future implementation should evidence for a saturation zone become available from responsible authorities.</p> <p>Amend the list of information that should be contained in an operating schedule within Policy 11.2 in line with Licensing Regulations.</p> <p>No change required.</p>
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			a provisional statement or an application for a new premises licence depending upon the circumstances of the matter.	
018/04	Berwin Leighton Paisner on behalf of JD Wetherspoon plc	<p>66. Think the policy is reasonable and does not seek to be over prescriptive.</p> <p>67. Suggest inclusion of paragraphs from the Government's Guidance making it clear that in the absence of relevant representations applications must be granted subject only to any applicable mandatory conditions.</p> <p>68. Suggest it may not always be possible to obtain planning permission before applying for a Premises Licence.</p>	<p>The supportive general comments on the policy statement are acknowledged.</p> <p>Paragraph 7.4 of the Guidance issued under Section 182 of the Licensing Act supports the comments made on behalf of J D Weatherspoon.</p> <p>Paragraph 3.51 of the DCMS Guidance issued under Section 182 of the Licensing Act states that 'applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned'. The draft</p>	<p>None required.</p> <p>Introduce as a new paragraph 1.4: 'Where responsible authorities and interested parties do not raise any representations about the application made to this licensing authority, it is the duty of the authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Licensing act 2003.'</p> <p>No changes needed.</p>

		<p>69. Comment that Policy 7.3 should not seek to duplicate the requirements of the DDA 1995.</p>	<p>Policy 7.2 follows the tone of the national guidance but allows for applications to be made where prior planning permission has not been obtained in exceptional circumstances.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club. The paragraph also notes that ‘the only conditions which should be imposed on a premises licence or club premises certificate are those necessary and proportionate for the promotion of the licensing objectives’. There remains however the link between disability and the public safety licensing objective. Paragraphs 7.8 to 7.10 in the DCMS Guidance issued under Section 182 of the Licensing Act give further guidance to local authorities on matters relevant to disabled people.</p>	<p>Policy 7.3 should be removed from the Licensing Policy Statement and paragraph 7.17 reworded to note the link between the public safety licensing objective and arrangements relating to disabled persons. Licensing condition 2.2 contained in Appendix E to the Licensing Policy Statement is concerned with situations where the safety of the public are not adequately covered to ensure that when disabled persons are present adequate arrangements exist to enable their safe evacuation and that disabled persons are made aware of those arrangements.</p>
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		<p>71. Request changes to Policy 9.1 relating to the protection of children from harm.</p>	<p>One of the licensing objectives relates to the protection of children from harm. Policy 9.1 states, 'The authority will impose conditions where it is considered necessary for the prevention of harm to children.' This pre-supposes without stating the fact that such a situation will have been the subject of a response from a 'responsible authority'.</p>	<p>Amend Policy 9.1 to read, 'Where relevant representations are received the Authority will...'</p>
		<p>72. Suggest Policy 9.3 is a duplication of other legislation.</p>	<p>Policy 9.3 relates to children and public entertainments. The pool of licence conditions contained in appendix H to the DCMS Guidance issued under Section 182 of the Licensing Act provides for a condition relating to performances especially for children.</p>	<p>No change required.</p>
		<p>73. Requests changes to Policy 11.1 relating to the advertisement of</p>	<p>Draft Licensing Regulation 25 relating to applications for</p>	<p>Amend draft Licensing Policy Statement</p>

		<p>applications.</p> <p>74. Suggest clarification of Section 34 applications – Policy 11.3.</p> <p>75. Ask for inclusion in the Policy of more details on the conversion process, in order that applicants do not provide more information than is necessary.</p>	<p>premises licences etc. includes the need to advertise in one local newspaper.</p> <p>Paragraph 5.65 of the DCMS Guidance issued under Section 182 of the Licensing Act refers to ‘major’ variations being dealt with under Section 17 of the Licensing Act but is silent upon when an application could be made under Section 34. The national guidance is primarily concerned with variations that affect the operating schedule.</p> <p>Paragraph 13.10 of the DCMS Guidance issued under Section 182 of the Licensing Act is concerned with transitional matters and the requisite completion of application forms. The Licensing Regulations will require an applicant to complete the necessary parts of the form and operating schedule as necessary to meet the requirements of the particular application. Paragraph 5.46 of the DCMS Guidance issued under Section 182 of the Licensing Act states that ‘an operating schedule should include information</p>	<p>paragraph 11.1 relating to the advertisement of applications in line with the Licensing Regulations.</p> <p>That an additional bullet point be inserted into Policy 11.3 stating that, ‘Applications for a variation of licence which do not impact upon the operating schedule (and hence the licensing conditions) should be made under Section 34 of the Act.’</p> <p>No changes required.</p>
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			<p>which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory’.</p> <p>Where a responsible authority is not satisfied in their opinion this is a matter for them to take up with the applicant and would be reflected, where necessary in the response to the licensing authority.</p>	
019/04	Spirit Group Limited	<p>76. Para. 5.3 Queries ‘suitability and fitness of applicants’.</p> <p>77. Policy 7.1 Wants clarification of equal weight of the four licensing objectives.</p> <p>78. Paras. 7.7/8.1/9.1 – Make clear that conditions cannot be imposed except where they are included within an applicant’s operating schedule or where there are valid objections to a licence on the</p>	<p>The comments of the Association are in line with the Licensing Act requirements for applications.</p> <p>Paragraph 2.6 of the Guidance issued under Section 182 of the Licensing Act states that each licensing objective is of equal importance.</p> <p>Paragraph 7.4 of the Guidance issued under Section 182 of the Licensing Act supports the comments of the Association. Paragraph 7.7 of the draft Licensing Policy Statement</p>	<p>Add, ‘where appropriate’ after, ‘Proper regard will be given to the following’ in paragraph 5.3 to the draft Licensing Policy statement.</p> <p>Add in paragraph 5.1 after the four licensing objectives, ‘that each licensing objective is of equal importance.’ Amend Policy 7.1 to read, ‘The authority will have regard to the likely impact...’</p> <p>No change required.</p>

		<p>grounds of one of the licensing objectives. Suggest adding extract from the DCMS Guidance.</p>	<p>does state that, 'The Authority will take into account the Alcohol Harm Reduction Survey ...when making decisions on applications' in circumstances related to alcohol-related crime and disorder as part of the prevention of crime and disorder licensing objective.</p> <p>Paragraph 3.11 of the DCMS Guidance issued under Section 182 of the Licensing Act states, 'licensing is about regulating the carrying on of licensable activities on licensed premises...and that the conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and in the vicinity of those premises'.</p> <p>Policy 9.1 is a statement reflecting the need to impose conditions where the representations require this in order to promote the licensing objectives and is in line with both paragraphs 7.4 and 7.5 of</p>	
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		<p>79. Policy 7.3 – Suggest this is a duplication of the DDA and has no place in a licensing policy.</p> <p>80. Policy 7.4 - Suggest this is a duplication of racial discrimination legislation and as such has no place in a licensing policy.</p>	<p>the DCMS Guidance issued under Section 182 of the Licensing Act.</p> <p>Paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises license holder or club.</p> <p>While paragraph 7.13 of the DCMS Guidance issued under Section 182 of the Licensing Act, paragraph 3.52 separately notes that ‘a statement of licensing policy should also recognise that the Race Relations Act 176, as amended places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.’ And, ‘the statement of licensing policy should therefore refer to this legislation ...’</p>	<p>Policy 7.3 should be removed from the Licensing Policy Statement.</p> <p>Policy 7.4 should be removed from the Licensing Policy Statement. The reference to the Act contained in paragraph 7.18 should however be retained in line with the expectations of the national guidance.</p>
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		<p>81. Para. 8.12 – Wish for clarification of whether we have relevant evidence to identify a saturation zone.</p> <p>82. Policies 11.2 and 11.8 – Operating Schedules. Not relevant to include amount of seating available on the operating schedule.</p>	<p>Paragraphs 3.13 to 3.28 of the DCMS Guidance issued under Section 182 of the Licensing Act all relate to cumulative impact. There is no present Police evidence supporting paragraphs 8.10 to 8.24 including policy numbers 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8.</p> <p>Policy 11.2 and Policy 11.8 refer to the expected content of information to be included in the operating schedule in an application.</p>	<p>Paragraphs 8.10 to 8.24 in the draft Licensing Policy Statement should be reworded to reflect the lack of current evidence supporting cumulative impact. The policies should however be retained in the Licensing Policy Statement for future implementation should evidence for a saturation zone become available from responsible authorities.</p> <p>Amend the list of information that should be contained in an operating schedule within Policy 11.2 in line with Licensing Regulations.</p>
020/04	Nottinghamshire Police – Divisional Commander Peter D Moyes, South Notts Division	83. Page 5 Para 5.4 - Add to end of penultimate paragraph “ although it should be noted that ultimately the authorities duty is to take steps with a view to the promotion of the Licensing Objectives in the interests of the wider community and not those of the individual holder of the premises licence “ (see Licensing Act Guidance on reviews 5.1.1.3)	Paragraph 5.113 of the DCMS Guidance issued under Section 182 of the Licensing Act is concerned with licence reviews.	Add as another bullet point in paragraph 5.4 of the draft Licensing Policy Statement, ‘When conducting a review of a licence the licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.’

		<p>84. Page 6 Para 6.5 After “ The pool of conditions is not exhaustive” add “ and the Police may suggest others that are appropriate “</p> <p>85. Page 13 Policy 8.1 (c) add “ and to suggest conditions to be attached to the license to achieve their intended operation”</p> <p>86. Add (k) “The potential impact on late night refreshment houses and fast food facilities in the area”.</p>	<p>Annexes D, E, F, G and H to the DCMS Guidance issued under Section 182 of the Licensing Act contain the pools of national conditions relating to liquor licensing. Paragraph 6.5 already states, ‘The pool of conditions is not exhaustive.’</p> <p>The annexes providing the pool of conditions within the DCMS Guidance issued under Section 182 of the Licensing Act provide that applicants preparing the operating schedule for submission to the Licensing authority are at liberty to volunteer any measure to take to promote the licensing objectives and which can be incorporated into the premises licence or club premises certificate.</p> <p>Policy 8.1 in the draft Licensing Policy Statement already contains the requirement ‘(j) Such other matters as may be relevant to the application.’ Paragraph 3.11 of the DCMS Guidance issued under Section 182 of the Licensing Act notes that, ‘conditions...will be focussed on matters which are</p>	<p>No change required.</p> <p>Add, ‘and to suggest conditions to be attached to the licence to achieve their intended operation’ to Policy 8.1.</p> <p>No change required.</p>
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		<p>87. Page 14 Para. 8.8 Who would the help line be to ?</p> <p>88. Page 15 Preventing Nuisance. After point 3 relating to queues add “ take steps to ensure that queues do not result in an obstruction of the highway”</p> <p>89. Page 16 Cumulative impact -The word “no” is missing – should read “the authority is satisfied that there are NO areas within the borough”.</p>	<p>within the control of individual licensees and others in possession of relevant authorisations. Accordingly these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will ultimately be decided in the courts.’</p> <p>To the licensee as presently operated by licensees involved in local Pub Watch schemes.</p> <p>This idea has merit and promotes three of the licensing objectives- by helping to prevent disorder, increasing public safety and lessening public nuisance associated with vehicles and members of the public being together on streets.</p> <p>Paragraphs 3.13 to 3.27 of the DCMS Guidance issued under Section 182 of the Licensing Act are concerned with ‘cumulative impact’. There is no current evidence from the Police to support paragraphs</p>	<p>No change required.</p> <p>Add ‘take steps to ensure that queues do not result in an obstruction of the highway’ to point 3 on page 15 of the draft Licensing Policy Statement.</p> <p>The wording of paragraphs 8.10 to 8.24 should be reworded to reflect the lack of current evidence supporting cumulative impact but the policies should be retained</p>
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		<p>90. At this stage there is no evidence to be adduced to request an area of saturation within this licensing district. However 6 monthly reviews will take place.</p> <p>91. Page 26 Para 11.3 Plans - We would suggest plans should show the following: The proposed licensed area delineated in red including outside drinking areas. A site plan clearly showing the area where the premises are situated, with nearby streets being shown. The proposed siting of CCTV and equipment servicing that system to include monitors and recording devices and any other security measures, e.g. shutters and locked storage areas. Any fixed seating.</p> <p>92. Page 26 Para 11.5 - Following the shaded part in brackets, it should be made clear that despite informal meetings, formal proof of</p>	<p>8.10 to 8.24 including policy numbers 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8.</p> <p>Comments as for point 89 above. Section 5(4) of the Licensing act provides that ‘...a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.’</p> <p>The draft Licensing Regulations will prescribe the plan requirement for applications. The Nottinghamshire licensing authorities intend to co-ordinate their requirements on the use of colour on plans by providing advice to benefit applicants.</p> <p>The draft application form for a premises licence includes as a check list item for the applicant to remind them that they have</p>	<p>in the Licensing policy Statement for future implementation should evidence for a saturation zone become available from responsible authorities.</p> <p>No change to the draft Licensing Policy Statement on this point at the current time.</p> <p>No change required.</p> <p>Amend draft Licensing Policy Statement paragraph 11.5 to remind applicants to have sent</p>
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		<p>service will always be required.</p> <p>93. Please ensure the correct Police address and contact numbers are quoted as per our draft protocol.</p> <p>94. Page 34 12.9 Mediation- This may be an inappropriate term to use in this context. A preliminary hearing may be more fitting to identify outstanding issues, but not necessarily mediation, since informal discussions have already been allowed for .The Police would not wish to take part in mediation, although would have informal discussions as required, and may not wish potential witnesses, such as residents, to be required to attend.</p> <p>95. Page 41 Appendix C 5. Members must be asked whether they recognise any witnesses or have an interest in the proceedings or</p>	<p>sent copies of the application to the responsible authorities and others where applicable.</p> <p>Paragraph 3.41 of the DCMS Guidance issued under Section 182 of the Licensing Act requires that policy statements should indicate which body the Licensing Authority judges to be competent...and where copies of applications will need to be sent.</p> <p>Section 18(3) requires that where relevant representations are made the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary (implying that a prior meeting or contact to discuss the representations has been held).</p> <p>Agendas will have the standard 'Declarations of Interest' and members are bound by the Code of Conduct to declare an</p>	<p>copies of the application to the responsible authorities and others where applicable as required on the prescribed application form.</p> <p>Full contact details for all responsible authorities to be placed within Appendix I of the Policy Statement.</p> <p>The terms, 'mediation meeting' in paragraph 12.9 and 'mediation hearings' in Policy 12.3 be amended to reflect that negotiation arrangements will be instigated if possible before a hearing takes place.</p> <p>No change required.</p>
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		<p>wish to declare anything. This should prevent human rights act challenges under article 6.</p> <p>96. The statement of Licensing Policy is a clear and easily digestible document. I am pleased to be associated with its contents and will do everything I can to ensure that all my staff and Notts Police support Gedling Borough Council with timely responses to issues raised. We will also ensure that the standards of information and evidence required by the committee are well known to my staff and we support you by responding in a professional manner.</p>	<p>interest if it becomes apparent at a later stage in the proceedings. Members will have been told of the parties involved to enable the convening of an appropriate Panel.</p> <p>The supportive response has been noted.</p>	<p>None required.</p>
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