

## Licensing Committee – 23 November 2007

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Minutes of the meeting of the **Licensing Committee** held on **23 November 2007** when there were present:-

Chairman: Cllr Mrs B J Wilkins  
Vice-Chairman: Cllr Mrs J A Mockford

Cllr Mrs P Aves  
Cllr T G Cutmore  
Cllr T G Goodwin

Cllr A J Humphries  
Cllr R A Oatham  
Cllr Mrs C A Weston

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs J P Cottis, Mrs L M Cox, K H Hudson and T Livings.

### **OFFICERS PRESENT**

A Bugeja - Head of Legal Services  
R Evans - Head of Environmental Services  
P Nellies - Licensing Officer  
S Worthington - Committee Administrator

### **396 MINUTES**

The Minutes of the meeting held on 25 June 2007 and of the Licensing Sub-Committee meetings held on 19 June 2007, 12 July 2007, 25 July 2007, 14 August 2007, 24 September 2007, 5 October 2007 and 31 October 2007 were approved as a correct record and signed by the Chairman.

### **397 REVIEW OF STATEMENT OF LICENSING POLICY**

The Committee considered the report of the Head of Environmental Services outlining the details of the proposed changes to the Council's Statement of Licensing Policy following formal consultation and consideration of revised statutory guidance and new legislation.

The Committee considered the amendments proposed in appendix C to the officer's report on a page by page basis. The amendments are detailed in the appendix to the Minutes. Members concurred that the current preface to the Statement of Licensing Policy should be replaced with the version outlined in appendix D.

In response to a Member enquiry relating to summary reviews of premises licences for premises associated with serious crime or disorder, officers confirmed that only senior police officers of Superintendent rank or higher could apply. Acting Superintendents could also apply for such reviews.

Responding to a Member query about the timing of introducing a revised Statement of Licensing Policy, officers advised that the current policy would remain in force until 6 January 2008 and would be replaced thereafter.

### Recommended to Council

- (1) That the proposed amendments to the draft policy, identified as officer recommendations in Appendix C, together with minor amendments made by the Committee as detailed in the appendix to the Minutes, and a revised preface to the draft policy, detailed in appendix D, be approved.
- (2) That the Statement of Licensing Policy for the period 7 January 2008 – 6 January 2011 be approved. (HES)

The meeting commenced at 2.00 pm and closed at 2.30 pm.

Chairman .....

Date .....

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Insert new section after existing paragraph 1.17, as follows:-

#### **Responsible Authorities**

##### **New Paragraph 1.18**

The Licensing Act 2003 prescribes the Responsible Authorities that have statutory functions or are considered to be consultees under the Act.

##### **New Paragraph 1.19**

In addition, paragraph 13.52 of the guidance issued by the Secretary of State under section 182 of the Act recommends that the Licensing Authority should indicate the body that is competent to advise it about the protection of children from harm.

##### **New Paragraph 1.20**

The Authority has applied the following considerations in discharging this responsibility:-

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
- the need for the body to be answerable to persons who are duly elected through a statutory process rather than any particular invested interest group, etc.

##### **New Paragraph 1.21**

The Licensing Authority designates the Essex Safeguarding Children's Board for this purpose.

#### **Paragraph 1.46**

Replace existing paragraph 1.46 and add new paragraph, as follows:-

#### **Interested Parties**

##### **Paragraph 1.46**

Interested Parties can be persons who are duly elected through a statutory process, such as district and parish councillors and MPs who can make representations in writing and at a hearing in their own right if they live or are involved in a business in the vicinity of the premises in question or on behalf of an interested party such as a resident or local business if specifically asked to do so.

### **New Paragraph 1.47**

However, where they have a prejudicial interest in an application, they can only attend a meeting to make representations, answer questions or give evidence (where the public are also allowed to attend for the same purpose) provided that they withdraw from the meeting immediately afterwards.

Insert new section after existing paragraph 1.83, as follows:-

### **Violent Crime Reduction Act 2006**

#### **New Paragraph 1.84**

Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.

#### **New Paragraph 1.85**

If a summary review is applied for the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:-

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence.

#### **New Paragraph 1.86**

Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, in order to afford the licence holder or representative the opportunity to attend.

#### **New Paragraph 1.87**

Where the Licensing Authority decides to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.

#### **New Paragraph 1.88**

Where the licence holder makes representations in respect of that decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the police; consider whether the

interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.

### **New Paragraph 1.89**

The Licensing Authority must hold a review hearing within 28 days.

### **Paragraph 3.6**

Replace first sentence with:-

“Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities.”

### **Paragraph 4.4**

Replace first sentence with:-

“Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities.”

Delete from the bulleted list:-

- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems, etc. pertinent to safety.

### **Paragraph 5.7**

Replace first sentence with:-

“Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities.”

### **Paragraph 6.7**

Replace first sentence with:-

“Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities.”

### **Paragraph 6.13**

Insert: “to be accompanied by one other responsible adult” at the end of the sentence.

N.B. The paragraph numbers referred to above relate to those used in the existing Statement of Licensing Policy and will be amended in the finalised document to take account of paragraphs that are either added or deleted.