

Officer recommendations in respect of the changes suggested by the British Beer & Pub Association		
Item	Policy Para.	Comment
1.	1.57	<p><u>Suggested amendment:</u> Change wording to read “In order to minimise problems and the necessity for hearings, applicants and clubs may wish to consult Responsible Authorities as appropriate when operating schedules are being prepared, in order to assist their application.”</p> <p><u>Officer recommendation:</u> The suggested amendment neither adds to nor detracts from the original wording.</p>
2.	2.11 – 2.15	<p><u>Suggested amendment:</u> References to capacity be deleted from this section and included as a bullet point in paragraphs 3.6 and 4.4 as an example of a control measure.</p> <p><u>Officer Recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to the Licensing Objectives. Nothing contained within those paragraphs are prescriptive or binding.</p>
3. 4. 5.	3.6	<p><u>Suggested amendment:</u> Delete from the bulleted lists and include in a section dealing with ‘recommended management practice’:</p> <ul style="list-style-type: none"> <li>• Effective and responsible management of premises</li> <li>• Appropriate instruction, training and supervision of staff</li> <li>• Adoption of best practice guidance, etc.</li> </ul> <p><u>Officer recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to a range of control measures that might be considered.</p>
6.	3.6	<p><u>Suggested amendment:</u> Change wording to read “Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, <i>where necessary</i>, having regard to their particular type of premises and/or activities”.</p> <p><u>Officer recommendation:</u> If the additional words (shown in italics) are required, it is suggested that ‘where necessary’ should be substituted by ‘where appropriate’. This change would also effect paragraph 4.4</p>

7.	3.6	<p><u>Suggested amendment:</u> Delete from the bulleted list and include in a section dealing with ‘recommended management practice’:</p> <ul style="list-style-type: none"> <li>• Acceptance of accredited “proof of age” cards etc.</li> </ul> <p><u>Officer recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to a range of control measures that might be considered.</p>
8.	4.4	<p><u>Suggested amendment:</u> Delete from the bulleted list and include in a section dealing with ‘recommended management practice’:</p> <ul style="list-style-type: none"> <li>• Suitable and sufficient risk assessments</li> </ul> <p><u>Officer recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to a range of control measures that might be considered.</p>
9.	4.4	<p><u>Suggested amendment:</u> Delete from the bulleted list:</p> <ul style="list-style-type: none"> <li>• Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety</li> </ul> <p><u>Officer recommendation:</u> Although these matters are included as part of outline general guidance and advice, they are subject to other primary legislation and should be deleted.</p>
10.	5.3	<p><u>Suggested amendment:</u> Change wording of 1<sup>st</sup> sentence to read “Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received.”</p> <p><u>Officer recommendation:</u> The revised wording considerably dilutes the current wording. The Authority may apply whatever controls it considers appropriate to every licence where representations are received. It is suggested that, if it is Members’ contention that residential areas merit greater consideration than non-residential areas, then the current wording should be retained.</p>
11.	5.7	<p><u>Suggested amendment:</u> Change wording to read “Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, <i>where necessary</i>, having regard to their particular type of premises and/or activities”.</p> <p><u>Officer recommendation:</u> If the additional words (shown in italics) are required, it is suggested that ‘where necessary’ should be substituted by ‘where appropriate’. This change would also effect paragraph 6.7</p>

12.	5.7	<p><u>Suggested amendment:</u> Delete from the bulleted list:</p> <ul style="list-style-type: none"> <li>• Management arrangements for collection and disposal of litter</li> </ul> <p><u>Officer recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to a range of control measures that might be considered.</p>
13.	6.1	<p><u>Suggested amendment:</u> Delete or amend wording of paragraph to remove implied emphasis that this licensing objective is more important than the others.</p> <p><u>Officer recommendation:</u> No change is necessary – the wording does not state that protection of children is ‘the most important issue’, which would indicate its prominence above other licensing objectives, only that it is one of a number of ‘most important issues’ .</p>
14. 15. 16.	6.7	<p><u>Suggested amendment:</u> Delete from the bulleted list and include in a section dealing with ‘recommended management practice’:</p> <ul style="list-style-type: none"> <li>• Acceptance of accredited proof of age cards, etc.</li> <li>• Measures to ensure that children do not purchase, acquire or consume alcohol</li> <li>• Measures to ensure children are not exposed to incidences of violence or disorder</li> </ul> <p><u>Officer recommendation:</u> No change is necessary as the paragraphs outline general guidance and advice only in relation to a range of control measures that might be considered.</p>
<b>Officer recommendations in respect of changes in response to guidance &amp; other measures</b>		
Item	Policy Para.	Comment
17.	1.18 – 1.21	<p><u>Officer Recommendation</u> - Insert new section after existing paragraph 1.17:</p> <p><b>Responsible Authorities</b></p> <p>1.18 The Licensing Act 2003 prescribes the Responsible Authorities that have statutory functions or are considered to be consultees under the Act.</p> <p>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.</p>

		<p>1.20 The Authority have applied the following considerations in discharging this responsibility: -</p> <ul style="list-style-type: none"> <li>• the competency of the body to advise the Licensing Authority;</li> <li>• the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;</li> <li>• the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.</li> </ul> <p>1.21 The Licensing Authority designates the Essex Safeguarding Children's Board for this purpose.</p>
18.	1.46 – 1.47	<p><u>Officer Recommendation</u> - Replace existing paragraph 1.46 and add new paragraph:</p> <p><b>Interested Parties</b></p> <p>1.46 Interested Parties can be persons who are democratically elected such as district and parish councillors and MP's 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.</p> <p>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.</p>
19.	1.84 – 1.89	<p><u>Officer Recommendation</u> - Insert new section after existing paragraph 1.83 -</p> <p><b>Violent Crime Reduction Act 2006</b></p> <p>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.</p> <p>1.85 If a summary review is applied for the Licensing Authority must consider the application within 48 hours* and determine what interim steps to take, if any, of those listed below: -</p> <ul style="list-style-type: none"> <li>• the modification of the conditions of the premises licence;</li> <li>• the exclusion of the sale of alcohol by retail from the scope of the licence;</li> <li>• the removal of the designated premises supervisor from the licence;</li> <li>• the suspension of the licence.</li> </ul>

		<p>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 to attend.</p> <p>1.87 Where the Licensing Authority decide 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.</p> <p>1.88 Where the licence holder makes representations in respect of that decision, the Licensing Authority must hold a hearing within 48 hours* 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.</p> <p><i>*Time that is not on a working day is disregarded.</i></p> <p>1.89 The Licensing Authority must hold a review hearing within 28 days.</p>
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