

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30 pm on 9 AUGUST 2004**

Present:- Councillor M J Savage – Chairman.  
Councillors K R Artus, R F Freeman, J P Murphy, V J T Lelliott,  
and D J Morson.

Officers in attendance:- M Hardy, C Nicholson, M J Perry, C Roberts  
and A Turner.

**LC51 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J I Loughlin,  
A Marchant and A R Row.

**LC52 DRAFT LICENSING POLICY AND ENFORCEMENT PROTOCOL**

The Committee considered a report on the draft Licensing Policy And  
Enforcement Protocol documents.

The Chairman explained that the documents would undergo a public  
consultation process before submission to the Council for adoption in time for  
the implementation of the new licensing legislation on 7 February 2005.

Catherine Nicholson, Solicitor, added that the Policy had been devised by the  
Essex Joint Licensing Officers Forum as a draft for the whole County, and it  
should now be considered in the light of the Uttlesford situation.

The Executive Manager Corporate Governance, Michael Perry, informed the  
meeting of gaps in the documents caused by the Government's lateness  
and/or failure to publish necessary guidance and information. These  
problems had to be endured for the time being because of the timetable  
constraints.

He also explained that under the new rules the Committee could not refuse a  
licence or impose conditions not contained in the operating schedule unless  
there were objections from relevant authorities (including the police) or the  
public. Hearings of applications would be quasi-judicial and therefore any  
reports would only put forward descriptions of best practice, not  
recommendations specific to the case.

He added that the legislation and Guidance were both voluminous and  
complex and it was difficult to make them user-friendly. A short guide would  
be of no real value, but it might be useful to provide notes on how to complete  
the application form if these were not contained in the form itself. The  
published guidance contained a bank of possible conditions for licences that  
applicants could draw on.

In answer to a question from Councillor Morson, Mr Perry confirmed that  
objectors could ask for review of a licence at any time, but only one review

would be allowed at the instance of an individual in any one year save for in exceptional circumstances. The Chairman stressed that Parish Councils should be encouraged to see themselves as the focus for objections.

Members then discussed the Draft Licensing Policy and Enforcement Protocol documents in detail and the following points were noted:-

### **Licensing Policy**

- 1.12 Mr Perry said that the Committee would receive a report on the needs of the local tourist economy for licensing purposes before the November meeting of the Committee.
- 1.18 The Committee would need to give reports to the Development Control Committee on the general impact of the licensed trade. Applicants for licences would be expected to have planning permission before applying for a premises licence.
- 1.25 Mr Perry stressed that the the Licensing Act was intended to be used to control licensed activities only where there was no other means of control, eg environmental health or health and safety legislation.
- 1.27 This clause meant that conditions must not be applied as a standard, but must be selected as appropriate to the individual case.
- 1.41 It was noted that the appendix dealing with conversion from a justices licence to a licence under the 2003 Act had still to be prepared (awaiting regulations). Also officers should consult with the trade with a view to staggering applications for “grandfather rights”.
- 1.45 The five lines at the end of the clause would be removed.
- 3.1 Mr Perry would e-mail the Council’s CADA policy statement to all Members of the Committee.
- 3.5 Mirrors should be mentioned in addition to CCTV.
- 5.3 This would be amended to refer to premises in or near residential areas.
- 6.1 The second sentence would be amended to read “While it is hoped that family friendly premises will thrive, the risk of harm to children remains a paramount consideration when determining applications”.
- 6.4 The clause would be amended and would take in the provisions of clause 6.10. so as to read “The Council considers that there should be no presumption of giving or preventing children’s access to licensed premises. The Council will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary. Where no licensing restriction is necessary, admission of children will remain

entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.”

- 6.8 This will need to be investigated in the light of other legislation but unless wholly unnecessary should remain in the document.
- 6.9 The requirement for CRB checks should relate to instances where adults regularly supervise children not accompanied by another adult.

### **Enforcement Protocol**

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- 6 Note to local authorities to be deleted.
- 8 Note to local authorities to be deleted
- 10 It was noted that the Council has a noise nuisance protocol.
- 13 If acceptable to the police the words “to be fair to our fellow partners, and maintain their integrity” should be deleted.

RESOLVED that, subject to the above amendments the draft statement of licensing policy be approved for public consultation, and the draft enforcement protocol be approved as a basis on which Uttlesford’s Enforcement Protocol may be drawn up.

LC53

### **DATES OF NEXT MEETINGS**

The next scheduled meeting would be held on 15 September 2004 and the licensing training session would take place on 22 September 2004.

The meeting ended at 9.10 pm.