



Public Document Pack

Uttlesford District Council

Chief Executive: Dawn French

Council

Date: Tuesday, 10th October, 2017

Time: 7.30 pm

Venue: Council Chamber - Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER

Chairman: Councillor G Sell

Members: Councillors A Anjum, K Artus, H Asker, G Barker, S Barker, R Chambers, J Davey, P Davies, A Dean, P Fairhurst, T Farthing, M Felton, M Foley, J Freeman, R Freeman, A Gerard, T Goddard, J Gordon, N Hargreaves, S Harris, E Hicks, S Howell, D Jones, T Knight, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe, H Ryles and L Wells (Vice-Chairman)

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies and declarations of interest.

2 Minutes of the Previous Meeting

1 - 12

To consider the minutes of the meeting held on 25 July 2017.

3 Chairman's Announcements

To receive any announcements from the Chairman.

4 Matters Received from the Executive

To consider any reports referred from the Executive.

5 Members' Questions to the Leader, Members of the Executive and Committee Chairmen (up to 15 minutes)

To receive questions from members for the Executive and committee chairmen.

6 Matters Received about Joint Arrangements and External Organisations

To consider matters concerning joint arrangements and external organisations.

7 Revised Statement of Licensing Act Policy 13 - 42

To consider the revised statement of Licensing Act policy.

8 Revision to the constitution: definition of "Key Decision" 43 - 48

To consider a revision to the constitution.

9 Youth Council 49 - 56

To consider a report on the Uttlesford Youth Council.

10 Any other items which the Chairman considers to be urgent

To consider any urgent business.

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk. For background papers in relation to this meeting please contact committee@uttlesford.gov.uk or phone 01799 510433/369.

Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510430/433 as soon as possible prior to the meeting.

Fire/emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

For information about this meeting please contact Democratic Services

Telephone: 01799 510433, 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

This page is intentionally left blank

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 25 JULY 2017

Present: Councillor G Sell – Chairman
Councillors A Anjum, K Artus, H Asker, G Barker, S Barker, R Chambers, J Davey, A Dean, P Fairhurst, T Farthing, R Freeman, A Gerard, J Gordon, E Hicks, S Howell, D Jones, T Knight, G LeCount, M Lemon, B Light, J Lodge, J Loughlin, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe and L Wells

Officers in attendance: D French (Chief Executive), R Harborough (Director of Public Services), S Pugh (Head of Legal Services), P Snow (Democratic and Electoral Services Manager), J Starr (Community Officer - Drugs and Alcohol) and A Webb (Director of Finance and Corporate Services)

C25

PUBLIC SPEAKING

Public statements were made by Will Macdonald from Carver Barracks and by Rob Parkinson representing Historic England. Their statements are summarised below.

Colonel Will Macdonald, the outgoing Head of Establishment at Carver Barracks, spoke to the meeting about the proposed financing of the running track as a joint Army and community facility at the Barracks. Carver Barracks comprised an area of 550 acres of which 28% was dedicated for technical use and the remainder available for training and other uses.

By the end of 2018 there would be 1100 soldiers on site and 300 families in residence. The Barracks already had a large civilian facility with 6-8,000 users each year, including 27 sports clubs, bringing in an income of £33k per annum. The aim now was to make the facilities more widely available to the local community.

A series of liaison meetings had taken place over a period of time involving Councillor Artus when he was Chairman of the Council. A contractor was in place ready to start on the project but the Government's announcement about closure intervened.

The Army had agreed to allocate 20% from a £1m welfare budget for 33EOD, and funding committed from LIBOR so that £1.2m was already in place depending on the Council's agreement to proceed. However, this match funding would be lost if a decision was not made within the next two weeks.

He said this project would provide value for money for the community. It would provide facilities for the next generation of Olympians as well as strengthening ties with the local community. In his considered view, Carver Barracks would remain open long after 2031. The project was ready to start in the second week of August and would be completed by December 2018. He asked for the Council's support to enable the project to proceed.

Rob Parkinson from Historic England expressed his support for the proposal to serve a repairs notice on the owners of Tilty Mill. He complimented the Council on the initiative being taken as well as on the skill and expertise of the Council's officers. Historic England would offer a grant to the Council of up to 80% of the cost of enabling the work needed to restore Tilty Mill and would include the cost of officers' time.

The Chairman thanked Mr Parkinson for the generous offer he had made.

C26 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Davies, Felton, Foley, Goddard, Hargreaves, Harris, Lees, Mills and Ryles.

Councillor S Barker declared a personal and prejudicial interest in item 6b on the agenda relating to Carver Barracks as the matter fell within her remit as a Portfolio Holder at Essex County Council. She said that she would leave the room during the consideration of that item.

C27 **MINUTES**

The Minutes of the meetings held on 16 May (Annual meeting) and 11 July 2017 were received, approved and signed by the Chairman as a correct record, subject to the following amendments:

In the final sentence in paragraph eight of Minute C13 on 16 May, "Appointment of Committees 2017/18", for the words spoken by Councillor R Freeman, "He questioned the competency of local authorities to run investments of this kind and told members that this would bind eight consecutive Council Administrations" substitute "*would bind twelve consecutive Council Administrations*".

In the remarks made by Councillor Lodge in the following paragraph, add the word "some" as in the sentence "He personally agreed with the investment in Chesterford Research Park, although *some* members in his party did not".

In the fifth paragraph of the fifth page of the Minutes of the 11 July meeting, Minute C24 "Draft Uttlesford Local Plan", take out the words attributed to Councillor Ranger "*requested that responses be given to all who participated in the consultation, but*".

C28 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on the many events to which he had been invited since taking on the role in May. It was an interesting role and one that he had found to be of great relevance to the position of the Council within the local community.

He especially commended Councillors Harris and Fairhurst for being nominated and recognised at the Uttlesford Business Awards held at Quendon Park.

For those interested in obtaining more detail about his activities in the Chairman's role, he had initiated a communication channel called "Chairman's

Chat” on the website and this included a link to enable any organisation to invite the Chairman to a planned event. It also included a schedule of the events in the Chairman’s calendar.

Councillor Sell made reference to the long service to the district of both Lord Petre, who would be retiring on 4 August as the Lord-Lieutenant of Essex after 15 years of service, and Sir Alan Haselhurst who had stood down as the Member of Parliament for Saffron Walden Constituency immediately before the recent General Election, after almost 40 years of service. He proposed that letters be sent to both Lord Petre and to Sir Alan thanking them for their many years of devoted service during their respective tenures in office.

He wished Jennifer Tolhurst and Kemi Badenoch good fortune in taking on the roles of Lord-Lieutenant and Member of Parliament respectively.

Councillor Chambers said that he was pleased to support the Chairman’s proposal and the meeting agreed that letters should be sent.

C29

REPORTS FROM THE LEADER AND THE EXECUTIVE

The Leader commended Councillor Sell for his Chairman’s report and said that he was acting as a good ambassador for the district. He wished to echo the earlier comments about the sterling service given by both Lord Petre and Sir Alan Haselhurst and said it was right that it should be recognised in the way suggested.

There were three specific areas on which he would be reporting to members. First, the Local Plan consultation had commenced with exhibitions at Great Chesterford and Stebbing. The feedback received so far indicated a wish to obtain more information about what was meant by the term “garden communities”. The themes and principles associated with this type of development would be articulated at the member briefing in September and arrangements then made to deliver information about garden community principles to every household in the district.

The second matter of report concerned the intention of the Manchester Airport Group to seek early planning permission to increase passenger numbers from 35mpa to 44.5mpa. A briefing would take place for members soon.

Finally, as the Police and Crime Commissioner for Essex, Roger Hirst had initiated a proposal for joint governance of Essex Police and Essex Fire Services and would be the first in the country to do so. He told members he considered it would benefit both services to have a closer alignment as this would produce savings and lead to a more joined up response to incidents.

Councillor Ranger reported on his attendance at a number of events including a conference arranged by the Police and Crime Commissioner about ways of building inter service co-operation, and others arranged by the Planning Advisory Service, and the West Essex Clinical Commissioning Group. There had been a number of other events connected to his portfolio area and he had signed off the allocation of grants to the value of £62k for various community projects.

Councillor Redfern referred to a press release about the development at Cornell Court in Saffron Walden, named after Daphne Cornell to commemorate her work as a councillor and as a tenant representative over many years. Cornell Court was planned as a ground breaking development of 73 units for independent living and the first tenants would be in occupation from September 2018.

She reported completion of the first phase of development at Reynolds Court, Newport.

C30 **MEMBERS QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND CHAIRMAN OF COMMITTEES**

Councillor Dean said that he had read the village green skip system was being abandoned and asked the Leader whether this was correct.

The Leader replied that no decision had been taken on the future of this service which was highly regarded.

C31 **DISCRETIONARY RATE RELIEF POLICY 2017/18 AND BUSINESS RATES REVALUATION RELIEF – RECOMMENDATION FROM THE EXECUTIVE**

Councillor Howell presented two separate reports with recommendations from the Cabinet dealing with the consequences of the Government's national revaluation of all commercial premises. The first report dealt with the new discretionary reliefs available to support small businesses and local pubs, as well as revised criteria for local rural rate relief. The second report set out the details of transitional relief funding allocated to local councils to enable a business rates relief scheme to be designed to support local businesses facing the steepest rises.

Councillor Howell said he proposed to take the two sets of recommendations together and proposed accordingly.

The cap for the payment of business rates had risen to allow 100% relief for all businesses with a rateable value of less than £12,000. Councillor Howell confirmed this meant that 454 local businesses had been taken out of business rates liability altogether and a total of 1,101 local businesses now paid no business rates at all. In contrast, the increase for most high street businesses averaged 16%.

The discretionary rate relief policy in place since 2014 now needed amending to include the new discretionary reliefs and proposed amendments to current reliefs. Many local pubs had been forced to close and the new reliefs would provide support for those with a rateable value below £100,000. He confirmed that the reliefs had been framed so that none of the previous recipients of relief would suffer any loss of relief.

As for the revaluation relief fund, businesses under £20,000 in rateable value were protected by the main transitional relief to a 5% cap and so did not need to be included. The relief fund excluded national and regional chains and was awarded by application only on a decreasing scale over three years. Councillor

Howell gave a commitment that the Council would continue to support rural businesses.

RESOLVED to approve:

- a) New discretionary rate reliefs Supporting Small Businesses Relief and Pub Relief as set out in the main report and in appendix A;
- b) Revised criteria for Local Rural Rate Relief
- c) The Revaluation Relief Funding Scheme, also as set out in the report

C32

CARVER BARRACKS SPORTS PROJECT – RECOMMENDATION FROM THE EXECUTIVE

Councillor S Barker left the room before the consideration of this item and took no part in the discussion or decision.

Councillor Ranger presented and proposed the recommendation of the Cabinet to allocate the sum of £500,000 to Carver Barracks to enable match funding for the provision of an eight lane running track. He said the Council had made a previous commitment to grant this money to the Army as part of a project driven forward by Councillors Knight and Artus intended to strengthen links with the armed forces.

There had been a pause in the process after the Government announced closure of the facility at Carver Barracks by 2031 but the Army was now in a position to confirm the match funding arrangements. The grant would be funded from the Strategic Initiatives Fund.

In the event the facility did close early, a refund of £35,000 would be offered for each complete year the facility was unavailable using 2031 as the baseline.

Part 2 of the recommendation related to the terms of the grant. The Cabinet had authorised delegated powers to agree the terms. There would be a two-party agreement with no ongoing costs for maintenance if standards were to slip.

Councillor Ranger said that the development of a new running-track facility was in support of a clear vision for a sports strategy and would provide a pocket of excellence within the district. The provision of sports facilities had not kept pace with demand. He expected new sports clubs to spring up to make use of the Carver Barracks facility. The provision of new sports facilities would feature as mitigation in approving future housing developments.

There would be an initial meeting tomorrow to clarify the heads of terms.

Councillor Artus seconded the motion. He said that Councillor Knight had been working on a sports village for some while and he had pursued the project himself during his time as Chairman. It was important to achieve value for money. The MoD had indicated it would sell Carver Barracks by 2031. The Army had in place match funding from the LIBOR fund but this required a funding commitment from the Council to safeguard the money. The MoD had agreed to refund a sum for each year the barracks closed earlier than that date.

The running track was a bold concept from which the Army and the community would benefit. It would cost from £6-12m to build from scratch. The Army had committed to using the facility but it would be widely available to local sports clubs at weekends and during evenings. The Army had not turned anyone away and more than 5,000 people had used the existing sporting facilities in the past year.

He urged the Council to support the community covenant for the provision of a joint facility.

Councillor Dean said that he welcomed what he had heard. However, this was the first time a formal proposal had been made to members and the report included very little detail. The evidence needed on which to base a decision was lacking. For example, there was hardly any detail in the report about potential use of the running track.

He then proposed the following amendment:

“Council:

- 1. Notes the request from Cabinet to endorse a grant of £500,000 towards a running track project at Carver Barracks*
- 2. Welcomes the potential opportunity for continued partnership working with the Army at Carver Barracks and to expanding the facilities; it recognises that there would be public benefits were such facilities to be available in the district for use by the public*
- 4. Is not satisfied with the level of completeness of the report that has been put before it to justify the expenditure by Cabinet. In particular, the absence of sound, quantified evidence of public demand and how access to the facility would be managed to maximise the public benefit should be presented in the form of a business plan*
- 5. Therefore requests that Cabinet delays making a grant payment until further evidence has been brought forward for consideration. Council requests that the proposal be reviewed by the scrutiny committee process with the aim of ensuring that a final decision is made by Cabinet against a fully informed and documented case.”*

The amendment was seconded by Councillor Loughlin.

Councillor Knight said she reluctantly agreed that the report before members was very poor indeed. It pinpointed the need for more interaction between officers and ward councillors. As for the comment this was the first presentation to members, she said the subject had been done to death. Therefore, whilst accepting Councillor Dean’s criticism, it was necessary to look at the bigger picture. The Army had supplied enough information to enable a decision to be made. If a decision was not forthcoming by the end of the month there was a real risk the project would be lost. She asked members to bite the bullet to enable a jewel in the crown to become reality by not supporting the amendment.

Councillor R Freeman said that he agreed with both of the speakers. The argument had been thinly put together. Councillors deserved a better standard of reporting. The Army was good at organising and the integrity of the people

involved was unquestioned but a better quality of information should have been available to members.

Councillor Morris said she hoped the running track would become a reality in the near future. The Council should support the project financially as it was ready to go and deliverable.

The Leader encouraged members to reject the amendment. The proposed facility would confer health and wellbeing advantages that would endure for a long time. The current provision of sports facilities was not good enough to serve the needs of the population. Useage of Carver Barracks was not an issue as 7,000 civilians and 27 clubs were using existing facilities already. The case for the running track was well proven and must now be progressed.

Councillor Loughlin expressed scepticism that 7,000 people from a population base of 85,000 provided good evidence of public demand. A proper business case was first needed to aid members in making the decision. She asked whether it was intended to charge users a facility fee.

Councillor Ranger said the fees structure would be for the Army to decide as it was not our facility.

In response to this comment, Councillor Loughlin asked whether the Council would get any return for the £500,000 investment.

The question was referred to Councillor Artus who stated that the running track would be owned by the Army and they would need revenue to maintain the facility. The Council would have no liability for maintenance. Councillor Knight added that the managing body would operate on a not for profit basis.

Councillor Loughlin then asked whether there would be any return on the ratepayers' investment.

The Leader commented that the community would receive considerable benefit from the availability of what would be a spectacular feature of the district, and would have no liability for maintenance costs. The meeting should now vote on whether to proceed.

The amendment was put to the vote and defeated with only two members voting in favour.

Before the substantive motion was put to the vote there was further discussion during which Councillor Loughlin made the point that she was strongly in favour of the project in principle but the report left a great deal to be desired. She asked whether, in the event the Army left Carver Barracks altogether, it would be possible to negotiate the retention of community use.

Councillor Ranger accepted this was a valid point to raise and said it would be a matter for further discussion with the Army. Best endeavours would be used to ensure the facilities could be inherited in some way.

Councillor Loughlin then said the debate had given her further confidence in the project and she would support it.

The substantive motion was put to the vote and carried overwhelmingly.

RESOLVED to endorse the decision of the Cabinet to allocate the sum of £500,000 to enable match funding for the provision of an eight-lane running track at Carver Barracks

Councillor S Barker returned to the room before the discussion of the next item.

C32

ESSEX POLICE AND CRIME PANEL – SUBSTITUTE MEMBER

Essex County Council had indicated that a substitute member was required to serve on the Essex Police and Crime Panel.

RESOLVED to appoint Councillor Ranger to serve as the substitute member on the Essex Police and Crime Panel

C33

REPORT FROM THE PUBLIC ENGAGEMENT WORKING GROUP – UTTLESFORD YOUTH COUNCIL

The Council received a report from Councillor Lemon updating members on the progress made towards setting up a youth council in Uttlesford. A shadow youth council comprising some 25 young people between the ages of 13 and 19 had now met five times and had established a number of working groups dealing with topics as diverse as mental health, transport and the future of Walden School.

The working group he chaired would continue to work towards the full realisation of a fully established and elected youth council and would submit final recommendations for the adoption of a constitution and an election process. If adopted by the Council the first elections would take place later this year. This would be necessary to replace the present shadow membership as most of the young people concerned would be attending university.

Councillor Lemon said that he was impressed by the keenness of the young people to discuss matters of current concern and hoped to be able to create a means for the youth council to work directly with the Council.

The Chairman then welcomed Adam Langworthy and Charles Yallup as members of the shadow youth council. They both spoke to the meeting in turn and expressed gratitude to the Council and the Public Engagement Working Group for the encouragement given to them and other members of the youth council in the work being carried out.

The Chairman thanked them for their contributions and wished them luck with their university studies.

C34

DELEGATION TO THE GOVERNANCE AUDIT AND PERFORMANCE COMMITTEE

Councillor Oliver presented a recommendation to delegate for decision to the Governance, Audit and Performance Committee the outcome of Community Governance Reviews and statutory and interim reviews of Polling Districts and Polling Places. The work previously undertaken by the Electoral Working Group had been subsumed into the remit of the rebadged committee.

RESOLVED to approve delegation to the Governance, Audit and Performance Committee of the following matters:

1. Carrying out and giving effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils
2. Carrying out and giving effect to the outcome of statutory and interim reviews of polling districts and polling places

C35

LOCAL GOVERNMENT ASSOCIATION CORPORATE PEER CHALLENGE

The Chief Executive reported the findings of the LGA's Peer Challenge report and the action plan developed to address the key recommendations. The Peer Challenge process had provided a robust external health check for the Council. In many cases it had validated existing practice.

The Peer Challenge had found there was a great deal of commitment and pride within the workforce but there was scope for improvement, especially in communicating effectively both within the organisation and outside, and in partnership working. The financial problems in 2007 were still having some impact but the Council was in a strong and stable position. However, the Council could be strengthened through the creation of a member development strategy.

The team had visited over a three day period in November 2016. The final report had then been received in the following May. The action plan to address the key recommendations was attached as an appendix to the report as well as the Peer Challenge feedback report. There would be a follow up visit arranged by the LGA to review progress.

The Leader asked members to note the findings and key recommendations set out in the report. He also referred to the executive summary and emphasised linkage to the objectives in the Corporate Plan.

In his view the Peer Challenge had proved a very worthwhile exercise, providing a compelling narrative for the journey to come. He highlighted the need for better communication and he had asked the Public Engagement Working Group to explore options for establishing a member charter.

In conclusion, he commended the action plan to the meeting for adoption.

In welcoming the report, Councillor Dean referred to a number of aspects of the action plan, including intended work with the LSCC to progress the Core's offer including its liveability strengths; the lack of a member development strategy, in contrast to the position at Braintree District Council; the intention to review the LSP structure; and the plan to review grants to consider match funding criteria, and to develop SLAs. In relation to the latter point he asked whether new rules for grant allocations had been agreed. He expressed frustration with some of the jargon used in the report.

The Leader said in reply that the Council would continue to be an active partner in the LSCC. In regard to member development he agreed the Council should now simply get on with it. He had initiated a programme of reports to Council from the various LSP working groups and this had added to understanding. Finally, in relation to grants, he said the system in place must represent good use of taxpayers money.

The Chief Executive apologised for the use of jargon in the action plan. The Core group consisted of Broxbourne, East Herts, Harlow, Epping Forest and Uttlesford. The reference to liveability simply meant strengthening our place within that area. The LSP chairs had now met providing an opportunity to work with the voluntary sector. Finally, a review of the grants process had already started with a view to identifying opportunities for match funding. However, the move to SLAs had not yet started.

RESOLVED to note the findings and key recommendations from the Local Government Corporate Peer Challenge and agree the action plan addressing the key recommendations

C36

TILTY MILL REPAIRS NOTICE

Councillor S Barker presented a report recommending service of a repairs notice on the owners of Tilty Mill to secure repairs to bring the Grade II* listed mill building back to its condition at the time of listing and to arrest further deterioration of the fabric and structure. The building had been on the Council's Buildings at Risk Register since 1990.

As stated by Mr Parkinson at the beginning of the meeting, Tilty Mill had now been added to Historic England's Heritage at Risk Register so that the Council was eligible for grant funding to recover up to 80% of the costs of managing this process.

Tilty Mill was one of 30 buildings on the at risk register and the Council had a duty to preserve the historic listed building. Members agreed with this analysis.

RESOLVED to:

1. Serve a Repairs Notice on the owners of Tilty Mill, to secure repairs to bring the building back to its condition at the time of listing to arrest further deterioration of the fabric and structure, unless reasonable steps were taken to carry out essential repairs; and
2. Delegate authority to the Assistant Director of Planning to prepare and serve the repairs Notice and associated Schedule of Repairs

and take all reasonable steps connected to the preparation, service, defence and enforcement of the Repairs Notice short of instigating compulsory purchase

C37 EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED that the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972

C38 REQUEST BY ASPIRE FOR BUILDING REFURBISHMENT FUNDING

Councillor Howell introduced discussion of this item as referred to the Council for decision by the Cabinet. The Cabinet had recommended approval of a loan of up to £2.75m to be made to Aspire (CRP) Ltd to enable refurbishment work to proceed on the Newnham building at Chesterford Park. Councillor Howell set out the terms of the loan and said that it had been part of the original debate about the purchase of shared ownership at Chesterford Park.

In seconding the motion to approve the funding arrangement, Councillor Chambers confirmed that the £2.75m loan had been part of the original debate.

Councillor Knight said that she had not been present at that meeting and she would be surprised if members had been aware of the fixed rate terms.

Councillor Loughlin said that a lot of work had already gone into this project. It had been agreed for example that no animal experimentation would be part of the research carried out. It was an excellent proposal and it was essential to progress it.

Councillor Redfern said that the establishment was within her ward. She had visited the site and spoken to the tenants. The unit in question needed considerable investment to enable the vital research on diabetes to continue.

Councillor Hicks said he found it extraordinary that, having taken the decision to set up Aspire and move into the commercial market, some councillors were considering backing off at the first hurdle. It was necessary to put the unit into a good saleable condition and the Council should proceed wholeheartedly.

Councillor Knight said she resented some of the comments that had been made. She was not against refurbishing the building and was in favour in principle but had strong reservations about the way it was being done.

Councillor Asker thanked Councillor Knight for her contributions. She asked whether £2.75m was all or half of what was needed.

The Leader commented that the agenda clearly indicated the existence of a part 2 report and the nature of the item. Having made the investment it was important to utilise the asset to achieve the anticipated returns. Clear financial

advice had been obtained before members had been asked to make any decisions.

Councillor Howell then summed up the debate. He said he could not understand why any member could claim to be unaware of the precise nature of the decisions needed to progress the Council's investment in Chesterford Park. The funding decision being requested was a core part of the investment. It was always apparent that members would be asked to make that decision in due course. With the exception of Councillor Gerrard every member should have been aware of that fact.

There was as yet no tenant for the Newnham Building. It was necessary to fund the refurbishment to obtain value from the investment. It was not an instant decision. Advice had been obtained from Arlingclose. The investment would enable cancer research to continue. It was not possible to make half an investment; we were either in or out. He asked for the vote to be taken.

The motion was put to the vote and carried by 23 votes in favour and three votes against.

RESOLVED to approve the payment of a loan of up to £2.75m to Aspire (CRP) Ltd to enable the redevelopment of the Newnham building at Chesterford Park, on the same terms and repayment date as the original loan, and delegate authority to the Assistant Director – Resources to determine the most appropriate method of funding, in consultation with the Finance Portfolio Holder

The meeting ended at 9.55pm

Committee: Full Council

Agenda Item

Date: 10 October 2017

7

Title: Revised Statement of Licensing Act Policy

Author: Amanda Turner, Licensing Team Leader

Item for decision

Summary

1. The revised Statement of Licensing Act Policy completed its period of public consultation on 5 September 2017. No objections were received to this consultation. One letter from a trade association was received supporting the draft Policy. This result of the consultation was reported to the Environment and Licensing Committee on 20 September 2017.
2. Members at the meeting of the Licensing & Environmental Health Committee on 20 September 2017 recommended that the amended Licensing Act Policy be forwarded to full Council for formal approval on 10 October 2017 with the new Statement of Licensing Act Policy to come into effect on 1 December 2017.

Recommendation

3. That the Council adopts the proposed new Statement of Licensing Act Policy, to come into effect on 1 December 2017.

Financial Implications

4. None arising from this report

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Draft revised Statement of Licensing Policy 2017-2022 (showing proposed changes)

Minutes of the Licensing & Environmental Committee on 20 September 2017 - LIC20.

Impact

- 6.

Communication/Consultation	Consultation has taken place with the statutory consultees (which include all responsible authorities), all premises licence holders and licensed clubs in the
----------------------------	--

	district and all town and parish Councillors. In addition the views of the public were sought with a press release on the council's website.
Community Safety	Public safety is one of the licensing objectives promoted by the draft policy statement.
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The council is obliged to keep its statement of licensing policy under review and make changes where necessary.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. The Licensing Act 2003 which has been in force since 2005 requires that the authority produces a Statement of Licensing Policy and reviews it at least every 5 years. The current policy was last reviewed in 2012 and approved by Full Council on 11 December 2012.
8. In accordance with the requirement to keep the Policy under review the Policy has now been updated for the five year period 2017 to 2022. The Statement of Principle policy document is attached as Appendix 1 (showing all the changes in red).
9. In exercising its duties under the Act the Licensing Authority must act in accordance with the general principles of public administration, and under a duty to promote the statutory licensing objectives of preventing crime and disorder: preventing public nuisance: protecting public safety; and protecting children from harm.
10. During the life of the current policy, it has proved satisfactory and there have been no challenges made to any parts of the Policy. This revision contains additional supportive information and is in accordance with the revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. It also contains relevant updates brought in by the Deregulation Act 2015, the Immigration Act 2016 and the Police and Crime Act 2017.

11. Following the meeting on 12 June consultation letters/emails were sent to all responsible authorities under the Act, all premises licensed in the district, local businesses, Councillors, and Town & Parish Councils. In addition the consultation was published on the Council's web site.
12. Only 1 response has been received to the draft consultation by a member of a trade association supporting our draft policy.
13. We received 3 telephone calls requesting a paper copy of the draft Policy document. None of the statutory consultees, or premises licence holders consulted on this draft policy responded to the consultation letter.
14. Members are asked to approve the revised Statement of Principles. The Policy will then come into effect on 1 December 2017.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
The Council is under an obligation to review the Licensing Act Policy every 5 years and ensure that the processes are followed in accordance with the legislation and guidance. Failure to achieve the timescale or demonstrate that appropriate consideration has been given to responses received during the consultation process could result in Judicial review.	1.	2.	The failure of the Council to give appropriate consultation responses could result in the imposition of sanctions upon the council.

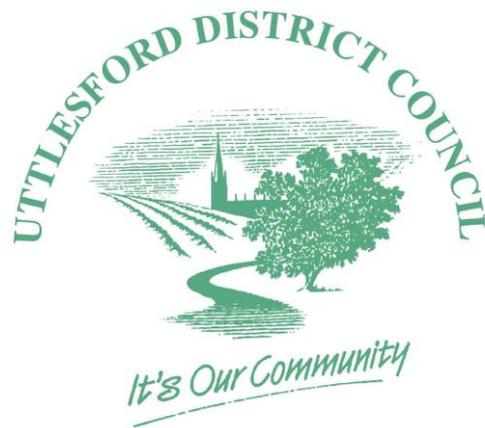
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

This page is intentionally left blank



STATEMENT OF LICENSING POLICY

2017-2022

Formatted: Normal, Left, Indent: Left: 5.08 cm, First line: 1.27 cm, Right: 0 cm

Formatted: Font: 14 pt, English (U.S.)

If you require this information in any other format or language please contact the Licensing Department on 01799 510578613 or at licensing@uttlesford.gov.uk

STATEMENT OF LICENSING POLICY

1.0 INTRODUCTION

Introduction

- 1.1 This is the ~~fourth~~ fifth Statement of Licensing Policy produced by Uttlesford District Council under the Licensing Act 2003, Since the adoption of the third statement the Act has been amended. The amendments expand the list of responsible authorities; extends the right to make representations with regard to applications and to seek reviews; reduces the evidential burden on licensing authorities by permitting them to take steps which they consider “appropriate” to the promotion of the licensing objectives rather than “necessary” for that purpose and amend the law relating to Temporary Events Notices. References in this statement to “the Act” are references to the Act as amended. This Statement sets out the general approach the Authority will be taking when making licensing decisions during the five year period up to December 201722.
- 1.2 Uttlesford District Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates and personal licences and acknowledging temporary events notices in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. In doing so the Licensing Authority will carry out its functions in such a way as to promote the licensing objectives referred to at paragraph 1.4 below.
- 1.3 When applications for new or variations to licences or certificates are made the responsible authorities and others may make representations. If no representations are received a licence will be granted subject only to those conditions required by statute and those offered by the applicant in the operating schedule. If representations are received however the application must be considered by the Licensing Authority. When assessing applications in respect of which relevant representations have been received, the Licensing Authority must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the promotion of the licensing objectives, as far as possible. **Bold type** refers to matters that the Licensing Authority expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome. Although it is open to applicants to omit any of the suggested

conditions, applicants should be aware that responsible authorities and others will scrutinise applications in the light of this policy. Failure to take account of the policy may therefore encourage representations.

- 1.4 It should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

The Licensing Objectives

- 1.5 The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children From Harm
- 1.6 **In respect to the promotion of each of the four licensing objectives, if representations are received from responsible authorities or others applicants will need should to provide appropriate evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to Applicants should also consider whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

Statement of Licensing Policy

- 1.7 The Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Applicants should be aware that the Licensing Authority will only make decisions on applications where representations are made by relevant authorities or others.
- 1.8 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and having regard to the guidance issued under Section 182 of the Act. This Policy Statement was reviewed in July 2012~~7~~,

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm

circulated for consultation between July and October 2012~~7~~ and was ratified by Full Council on ~~11 December 2012~~ 10 October 2017. It will take effect on ~~12 December 2012~~ 1 December 2017 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to ~~11 December 2017~~ (date to be advised).

- 1.9 When making and publishing ~~and applying~~ its policy, the Licensing Authority must have regard to the Secretary of State's Guidance. The Licensing Authority may depart from this Licensing Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and if this situation arises the Licensing Authority will give full reasons for doing so. ~~It is possible that, during a consultation period the Guidance issued by the Secretary of State may be subject to revision leading to some temporary inconsistencies between the two documents. In such circumstances, the Licensing Authority will have regard to the revised Guidance as well as its Licensing Policy.~~

Consultation

- ~~1.10~~ 4.10—There are a number of groups who have a stake in the leisure industry, including providers, customers, residents, businesses and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives. These are in addition to those authorities and agencies that the Council is statutorily required to consult with in accordance with Section 5(3) of the Licensing Act 2003

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 9 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tab stops: 1.27 cm, List tab + Not at 0.63 cm

- 1.11 In developing ~~this Policy Statement and this revision~~, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District, the Essex County Fire and Rescue Service and ~~the Primary Care Trust~~), local representative for the Director of public Health in England ~~the views of existing licence holders, businesses, voluntary groups and residents were also taken into account and persons/bodies representative of existing licence and certificate holders, the views of Ward councillors, Town and Parish Councils, Appropriate weight and Due~~ consideration was given to the views of all those who responded to that consultation process.

Links to other Strategies

- 1.12 In preparing the statement of licensing policy and this revision, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, provision of private hire vehicles and hackney carriages to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.

1.13 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

~~1.14 To ensure proper integration with the Licensing Authority's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.~~

1.15 The Licensing Authority recognises its responsibilities under the Equality Act 2010. The impact of this policy on those sharing protected characteristics will be monitored through Uttlesford District Council's equality scheme.

Regulated Entertainment

1.16 Having regard to the Live Music Act 2012, ~~Licensing Authority's Leisure and Culture Strategy~~ Corporate plan and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. Where representations are made by responsible authorities or others the Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. Where representations are made the Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from the ~~Licensing Authority's Youth and Arts Development Officer~~ appropriate cultural and leisure services within Uttlesford District Council.

Applications

1.17 When considering applications after receiving representations, the Licensing Authority will have regard to

- the Act, and the licensing objectives,
- Government guidance issued under Section 182 of the Act,

- any supporting regulations
- this statement of licensing policy

1.18 This does not however undermine the rights of any person to apply under the Act for a variety of permissions nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. Where such representations or a request for a review is made the application or review will be considered on its individual merits.

1.19 When following the receipt of representations the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with appropriate planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.) In some instances the conditions on a licence or certificate will be inconsistent with another consent (e.g. the closing time specified in a planning permission in respect of licensed premises may be different from that contained in the licence). In such circumstances **licence holders should be aware that the more restrictive condition is the one that applies.** Thus in the example given, if a planning permission required premises to close at 11 pm but the licence permits the premises to be open until midnight the planning permission prevails.

1.20 When one part of the ~~Licensing Authority Council~~ seeks a premises licence from the ~~Licensing Authority~~, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered by the committee on its merits. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

1.21 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

1.22 Publicity for Applications

The Licensing Authority wishes to ensure that those entitled to make representations are aware of applications for licences and variations. When an application is made for a premises licence or a variation to such

a licence in addition to the statutory publicity given to the application the Licensing Authority will notify the Town or Parish Council for the area within which the premises are situated. The Licensing Authority will also notify all district councillors and occupants of residential premises adjoining, opposite and to the rear of properties which are the subject of such applications.

- 1.23 Guidance will be available for applicants setting out the details of the application process, having regards to the Licensing Act 2003, as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

Formatted: Indent: Left: 0 cm,
Hanging: 1.43 cm

Representations

- 1.24 The Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the trading standards authority, the ~~Child Protection Authority~~ Children's safeguarding service, the Primary Care Trust for the District and the Licensing Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 1.25 Other parties are free to raise relevant representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews, not repetitious. If a party making representations does not live in or carry on a business in the vicinity of the premises and is unable to demonstrate that they would be affected by any licensable activities carried on at the premises their representations may be declined as being frivolous or vexatious.
- 1.26 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the Applicant. The Licensing Authority accepts that in exceptional circumstances, where there is a genuine and well-founded fear of intimidation or violence, an Interested Party may not wish for his/ her personal details to be disclosed to the applicant
- 1.27 Where the Licensing Authority consider that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be withheld from the copy of the representation that is provided to the Applicant.

- 1.28 Representations should be made within 28 days of the day after the application is made to the Licensing Authority in order to be considered. If a representation is made outside of this period, it cannot be considered.

Conditions

- 1.29 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

- 1.30 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

- (a) planning controls
- (b) positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
- (c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- (d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- (e) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- (f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are under age or drunk
- (g) the confiscation of alcohol from children and adults in designated areas
- (h) ~~police powers to close down any licensed premises for between 48 and 336 hours where there has been persistent sales of alcohol to children~~ Use of Police and/or Local Authority powers (under the Anti-Social Behaviour Crime and Policing Act 2014) to close down instantly for 24 hours up to a maximum of 48 hours any licensed premises or temporary events on grounds of disorder or the likelihood of disorder or noise emanating from premises causing a nuisance.

(h) police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

(i) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

(j) Action under the Violent Crime Reduction Act 2006.

1.31 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

1.32 The Licensing Authority recognises that where representations are made applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided. Conditions will not be imposed that cannot be shown to be appropriate or proportionate for the promotion of the licensing objectives.

Delegation of Functions

1.33 With the exception of the approval and review of its Licensing Policy and the making of Early Morning Alcohol Restriction Orders, and late night refreshment exemptions decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. Applications which do not attract relevant representations will be granted by officers under delegated powers. Where such representations are received the application will be determined by Members of the Licensing Committee. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

The Need for Licensed Premises

1.34 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Cumulative Impact of a Concentration of Licensed Premises

- 1.35 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 1.36 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 1.37 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.
- 1.38 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.**
- 1.39 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Late night refreshment exemptions

The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- a) on or from premises which are wholly situated in a designated area;
- b) on or from premises which are of a designated description; or
- c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- Motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.

When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area.

The Licensing Authority having regard to the evidence available at this time does not consider it necessary to make any exemptions.

Advice and Guidance

- 1.40 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Environmental Health, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.41 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory time scales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews

- 1.42 Where possible and appropriate ~~all Responsible Authorities the Licensing Authority, Environmental Health, Essex Police, Essex Fire Service and/or the PCT~~ will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.43 Responsible authorities and/or others can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority and would ordinarily be expected to substantiate their complaints at a hearing.
- 1.44 No more than one review from persons other than responsible authorities will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.
- 1.45 This Authority will not consider anonymous representations. However, the Licensing Authority accepts that in exceptional circumstances, a member of the public may not wish to provide their personal details to the licence or

certificate holder. In those circumstances the member of the public might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.

Enforcement

1.46 The ~~Licensing Authority Council~~ delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. ~~The Authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services~~ The Council is subject to the provisions of the Regulators Code which is designed to ensure effective and efficient public protection services. Specifically, the Licensing Authority is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a proportionate, open and consistent manner.

1.47 ~~The Enforcement Concordat~~ The Council will base any enforcement action on is based on the principles that businesses should:

- Be clear about the issues that have made enforcement action necessary
- receive clear explanations from enforcers of what they need to do and by when;
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- receive an explanation of their rights of appeal

1.48 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

1.49 The Licensing Authority will establish an enforcement protocol with Essex Police, Essex County Fire and Rescue Service, Essex County Licensing Authority Trading Standards, Environmental Health and the council's Enforcement Team on enforcement issues. This protocol will provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. A draft of the protocol can be viewed on the Licensing Authority's website: www.uttlesford.gov.uk. Hard copies are available on request.

2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and should consider all aspects relevant to the individual style and characteristics of their premises and events.**
- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants need not mention a control measure more than once in their operating schedule.
- 2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be undertaken or documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement promotion of the licensing objectives. If representations are made the Licensing Authority will expect to see **reference to be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**

- 2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of personnel engaged on the premises and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason** If representations are made the Licensing Authority will expect to see, **these elements specifically considered and addressed within an applicant's operating schedule.**
- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). If representations are made the Licensing Authority will expect **the issue of occupancy capacity to be considered and addressed, where appropriate, within an applicant's operating schedule.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:
- (a) the nature of the premises or event
 - (a) the nature of the licensable activities being provided
 - (b) the provision or removal of such items as temporary structures, such as a stage, or furniture
 - (c) the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - (d) the age of the customers
 - (e) the attendance by customers with disabilities, or whose first language is not English
 - (f) availability of suitable and sufficient sanitary accommodation
 - (g) nature and provision of facilities for ventilation
- 2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. **However,** If representations are made the Licensing Authority will expect that **where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

- 2.10 The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on any of the licensing objectives and the Licensing Authority will consult with such of the Responsible Authorities as it deems appropriate to make such assessment.

3.0 PREVENTION OF CRIME AND DISORDER

- 3.1 The ~~Licensing Authority Council~~ is committed to further improving the quality of life for the people of the District of Uttlesford by continuing to reduce crime and the fear of crime.

- 3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Uttlesford District Council, Essex Police, Essex County the Licensing Authority and others to consider crime and disorder reduction in the exercise of all their duties. The Act reinforces this duty for local authorities.

- 3.3 The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

- 3.4 When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Illegal working

Control Measures

Formatted: Indent: Hanging: 0.09 cm

Formatted: Indent: Left: 0 cm

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule in the event that representations are received, having regard to their particular type of premises and/or activities:

- (a) Effective and responsible management of premises
- (b) Training and supervision of staff
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice (e.g. Challenge 245 policy)
- (e) Provision of effective CCTV and mirrors in and around premises
- (f) Employment of Security Industry Authority licensed Doorstaff
- (g) Provision of toughened or plastic drinking vessels
- (h) Provision of secure, deposit boxes for confiscated items ('sin bins')
- (i) Provision of litterbins and other security measures, such as lighting, outside premises
- (j) Membership of local 'Pubwatch' schemes or similar organisations
- ~~(j)~~(k) Right to work checks on staff and retention of documents

Designated Premises Supervisor

3.6 Within the operating schedule for premises from which alcohol will be sold, save for certain community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder. Mandatory conditions under the Act impose express duties upon the DPS and the premises licence holder with regard to irresponsible drinks promotions, the pouring of alcohol into the mouth of a third party, the supply of tap water and the availability of alcoholic drinks in small measures. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

3.7 Whilst the Licensing Act 2003 requires each sale of alcohol (other than in certain community premises) to be made or authorised by a personal licence holder there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether the real authorisation was given, the Guidance issued by the Secretary of State encourages the practice of a

written authorisation to make supplies of alcohol being given by personal licence holders to persons not holding a personal licence.

- 3.8 In the case of community premises (church halls, chapel halls, village halls, parish halls, community halls or other similar buildings) run by a management committee, providing the Licensing Authority does not consider that the conditions requiring there to be a DPS and for all sales to be made or authorised by a personal licence holder appropriate for the promotion of the crime prevention objective, then these conditions can be replaced by a condition that all sales must be made or authorised by the management committee. On an application for a new licence for such premises requesting the alternative condition, if representations are made the alternative condition must be included in the licence if the Licensing Authority is satisfied that the management arrangements are adequate and it does not consider that the conditions requiring there to be a DPS and for all sales to be made or authorised by a personal licence holder appropriate for the promotion of the crime prevention objective.

4.0 PUBLIC SAFETY

- 4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 4.2 When addressing the issue of public safety, an applicant should consider those factors that impact on the standards of public safety. These may include:
- (a) the occupancy capacity of the premises
 - (b) the age, design and layout of the premises, including means of escape in the event of fire
 - (c) the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - (d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - (e) customer profile (e.g. age, disability)
 - (f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
 - ~~(f)~~(g) Compliance with the Disability Discrimination Act etc

Control Measures

- 4.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities:
- (a) Suitable and sufficient risk assessments
 - (b) Effective and responsible management of premises
 - (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the use of CCTV system
 - (e) Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA))
 - (f) Provision of effective CCTV in and around premises
 - (g) Provision of toughened or plastic drinking vessels
 - (h) Implementation of crowd management measures
 - (i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that might arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in or near residential areas and where relevant representations have been received. Conversely, premises which can demonstrate that they have effective controls and measures in place or proposed ~~planned~~ to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is

sold to match the normal trading hours during which other sales take place, unless representations are made and there are exceptional reasons relating to disturbance or disorder.

- 5.5 The Licensing Authority does recognise that in some circumstances flexible licensing hours may help to avoid concentrations of customers leaving premises simultaneously and could reduce the potential for disorder. It also recognises that licensing hours should not inhibit the development of safe evening and night-time local economies. However, the Authority will always seek to balance their decisions with the duty to promote the four licensing objectives and the rights of residents to peace and quiet.**
- 5.6** If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.7 When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:
- (a) the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - (b) the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00
 - ~~(c) the closing time of the premises~~ A "wind down period" between the end of the licensable activities and closure of the premises
 - (c) the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - (d) the design and layout of premises and in particular the presence of noise limiting features
 - (e) the occupancy capacity of the premises
 - ~~(f)~~ the availability of public transport
 - ~~(g)~~ A last admission time
- 5.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities:
- (a) Effective and responsible management of premises
 - (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly

- (c) Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries and clearing up
- (d) Provision of effective CCTV in and around the premises
- (e) Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- (f) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- (g) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- (h) Liaison with public transport providers
- (i) Siting of external lighting, including security lighting
- (j) Management arrangements for collection and disposal of litter
- (k) Effective ventilation systems to prevent nuisance from odour

6.0 PROTECTION OF CHILDREN FROM HARM

- 6.1 The protection of children from harm is a most important issue. While it is hoped that family friendly premises will thrive, the risk of harm to children remains a paramount consideration when determining applications.
- 6.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
- 6.4 The Licensing Authority considers that there should be no presumption of giving or preventing children's access to licensed premises. The Licensing Authority will rarely impose complete bans on access to children. If representations are made then in exceptional circumstances, conditions restricting access or excluding children completely may be considered appropriate. Where no licensing restriction is appropriate, 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.

6.5 If representations are made **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**

6.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should consider those factors that impact on harm to children. Areas that will give particular concern in respect of children include:

- (a) where entertainment or services of an adult or sexual nature are commonly provided
- (b) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- (c) with a known association with drug taking or dealing
- (d) where there is a strong element of gambling on the premises, and
- (e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Control Measures

6.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities. These examples can be adopted in any combination:

- (a) Effective and responsible management of premises
- (b) Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- (c) Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- (d) Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- (e) Limitations on the hours when children may be present, in all or parts of the premises
- (f) Limitations or exclusions by age when certain activities are taking place
- (g) Imposition of requirements for children to be accompanied by an adult
- (h) Measures to ensure children do not purchase, acquire or consume alcohol
- (i) Measures to ensure children are not exposed to incidences of violence or disorder

Formatted: Indent: Left: 0 cm, First line: 0 cm

- (j) Acceptance of accredited “proof of age” cards and/or “new type” driving licences with photographs

Formatted: Indent: Left: 0 cm

Film Exhibitions

- 6.8 **In the case of film exhibitions, If representations are made, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee not to permit children to view the film unless it has been approved by the Licensing Authority applying British Board of Film Classification standards.**

~~If representations are made the Licensing Authority may require that adult supervisors who regularly work with children having access to licensed premises who are not accompanied by an adult be checked with the Criminal Records Bureau for suitability to work with children.~~

- 6.9 The Licensing Authority expects that when a licensable activity is held exclusively for children and young persons, that there will be sufficient numbers of staff available who have undertaken an enhanced disclosure check with the DBS, to ensure the safety of those children. This does not require each member of staff to have undergone this level of check but the Licensing Authority expects that there should be sufficient members that have, who are then able to supervise others, e.g there will be one person at the main entrance to the premises who has been subject of advanced disclosure responsible for supervising the searching and checking of children by those who have not.

7. TEMPORARY EVENTS

- 7.1. Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder and/or public nuisance implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police, environmental health and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.
- 7.2. There are 2 categories of temporary event, “standard temporary events” and “late temporary events”.
- 7.3. A standard temporary events notice must be served at least 10 working days before the event is to take place. Organisers of these events should

be aware that if a counter notice is served this has the effect of preventing the event from going ahead unless the counter notice is overturned on appeal. The appeal process is likely to take several months and unless the standard temporary events notice is served well in advance of the proposed event there may not be sufficient time for an appeal to be brought.

7.4. A late temporary event notice may be served between 5 and 9 working days before the event. Organisers of these events should be aware that in the event of a counter notice being served the event may not go ahead. There is no right of appeal against a counter notice in response to a late temporary events notice.

7.5. Event organisers should also be aware that either the police or the council's Environmental Health Department can object to a temporary events notice (either a standard or late notice) on the basis that to permit the event to go ahead would undermine **ANY** of the licensing objectives. Where such an objection is received in respect of a late temporary events notice the Licensing Authority must serve a counter notice and the event cannot take place. Where a counter notice relates to a standard temporary events notice then the Licensing Authority must hold a hearing in order to determine the issue. At a hearing into objections to a standard temporary events notice any conditions on a premises licence or club premises certificate may be attached to the temporary events notice if the Licensing Authority consider it appropriate for the promotion of the licensing objectives unless the conditions would effectively prevent the event going ahead.

7.5-7.6. If TENs must be made with the minimum amount of permitted notice given, it must be understood that the requirements for 5 or 10 clear working days does not include the day the notice was received or the day of the event. If the period includes a bank holiday the the notice must be extended by 1 working day for each bank holiday. The Council has no ability to waive or reduce the legal notification periods.

Formatted: List Paragraph, Left, No bullets or numbering

8. THE ROLE OF THE LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY

8.1. As a responsible authority the Licensing Authority may make representations on applications for the grant or variation of a premises licence or club premises certificate and may also seek a review of a licence or certificate.

8.2. Without imposing any limitations on its power to make such representations or to call for a review it is the view of the Licensing Authority that the other responsible authorities are generally better placed to determine whether representations are appropriate or whether a review should be called for. The Licensing Authority is therefore likely to exercise

its powers in the capacity of a responsible authority only in exceptional circumstances. This in no way inhibits the right of the other departments of the Council which are responsible authorities in their own right (namely Environmental Health and Planning) to make representations or to apply for reviews if they consider it appropriate to do so

- 8.3. To ensure that the Licensing Committee are able to conduct a hearing impartially and to reach a conclusion on its merits the power of the Licensing Authority to make representations and to seek reviews has been delegated to the ~~Team Leader of the Council's Licensing Enforcement Team Officer.~~

9. PERSONAL LICENCES

Much of the foregoing policy relates to premises licences and club premises certificates. However, the Licensing Authority will also be responsible for issuing personal licences authorising individuals to supply alcohol or to authorise the supply of alcohol, in accordance with a premises licence.

30.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held. Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this appropriate for the crime prevention objective.

From 6 April 2017 the Licensing Authority has the power to revoke or suspend personal licences where they become aware of relevant conviction, foreign offence or civil penalties for immigration matters. In making their decision the Licensing Authority will have regard to the crime prevention objective

30.3 From the 1st April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.

The Immigration Act 2016 requires that personal licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of licensable activity in line with the requirements of the legislation and guidance. Licences issued after 6 April 2017 automatically lapse if and when the licence holder's lawful leave or permission to work ends.

Formatted: Left, Indent: Left: 1.27 cm, Space Before: 0 pt, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

APPENDIX (Outline of the District)

Uttlesford is a rural area in north west Essex and is geographically the second largest district in the County. It has a population of approx ~~77500~~ 85100 (2015). There are four main centres of population, Great Dunmow, Saffron Walden, Stansted and Thaxted. The remainder of the district consists of numerous villages and hamlets. In the south of the District is Britain's fourth largest airport, Stansted. A survey carried out for the ~~Sunday Times Mail~~ Sunday Times Mail in 2002 ~~14~~ 14 stated that Uttlesford ~~offered the best quality of life in England and Wales~~ was in the top 10 rural places to live in Britain. Its pleasant rural setting attracts many visitors from day trippers to those staying for longer periods many of whom will make use of licensed facilities within the district.

Currently there are ~~3006~~ 3006 premises within the District licensed to sell alcohol for consumption on and/or off the premises. Of these premises 76 are on sales only, 54 for off sales only, 144 authorise sales both on and off the premises and 32 that do not permit the supply of alcohol. 488 are public houses or registered clubs, 57 are off licences, 42 restaurant licences and 13 are residential. In addition there are some bars airside at the airport which are not subject to the Licensing Acts by virtue of government designation.

Committee: Council

Agenda Item

Date: 10 October 2017

8

Title: Revision to the Constitution: Definition of “key decision”

Author: Interim Head of Legal Services

Item for decision:
yes

Summary

1. This report recommends a change to the Council’s constitution to provide a clearer definition of a “key decision”. If a proposed decision is a “key decision”, the Council has a legal obligation to give (in most cases) 28 days’ notice that the decision is to be made. Also, a key decision taken by an officer is subject to “call-in” by the Scrutiny Committee.
2. The report was considered by the Governance, Audit and Performance Committee on 27 July 2017. The Committee considered a substantially similar report and resolved to recommend to Council that the proposed definition of ‘key decision’ is approved as set out in the appendix to this report.

Recommendations

3. That the Council amends the Constitution by replacing the current definition of a key decision with the proposed definition set out in the Appendix to this report.

Financial Implications

4. None.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

“New council constitutions: guidance to English Authorities.” Office of the Deputy Prime Minister, 26 October 2000.

Impact

- 6.

Communication/Consultation	Clear rules on the nature of key decisions will help to ensure that they are publicised and allow members of the public to ask questions and make representations.
----------------------------	--

Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Clear rules on the nature of key decisions will help to ensure that the Council complies with legal requirements for publicity.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	Clear rules on the nature of key decisions will help officers to identify them and take appropriate steps to publicise them.

Situation

Key decisions

7. Key decisions are important decisions to be made either by the Cabinet, or by Cabinet members or officers when acting under delegated authority from the Cabinet.
8. Regulations made under the Local Government Act 2000 oblige local authorities to publish advance notice of “key decisions” they are planning to take. At least 28 days’ notice needs to be given of intention to make a key decision and the regulations specify the content of the notice. Notice is published on the Council’s website.
9. The regulations¹ define a key decision as follows:
 - (1) *In these Regulations a “key decision” means an executive decision, which is likely—*
 - (a) *to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or*
 - (b) *to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.*
 - (2) *In determining the meaning of “significant” for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being*

¹ Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089

issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).

10. Guidance published in 2006 (“New council constitutions: guidance to English Authorities”) addresses the issue. It states:

7.16 Any decision in relation to an executive function which results in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, is a key decision.

*7.17 It will be for the potential decision-maker to decide, in any one case, whether a decision to be taken is likely to involve significant expenditure. In order to assist potential decision-makers within a local authority reach consistent and demonstrative objective judgements and to ensure the public are clear about what is regarded as significant locally, **the local authority should agree as a full council limits above which items are significant. The agreed limits should be published.***

7.18 In setting such thresholds, a local authority will need to bear in mind the underlying principles of accountable decision-making that there should be a presumption towards openness so that local people have knowledge sufficiently in advance of all those decisions which will be of genuine concern to local communities. In particular, local authorities will need to ensure that there is a consistency of openness between neighbouring local authorities at the same tier. Thus, whilst there may be a higher threshold set for certain matters in a large metropolitan local authority than in a small shire district operating executive arrangements, there should not be a wide discrepancy of approach, for example, between similar districts within a county or between neighbouring metropolitan boroughs.

11. The Council’s Constitution follows the statutory definition without setting limits above which expenditure will be treated as “significant. This is not in accordance with usual practice and the advice referred to in paragraph 10. Limits for other councils in Essex are as follows:

Council	Key decision definition: financial threshold of “significance”.
Basildon	Committee system. No longer has a definition for key decisions.
Braintree	£50,000 for revenue expenditure and £100,000 for capital expenditure.
Brentwood	£100,000 for goods and services and £500,000 for works.
Castle Point	A threshold for savings and expenditure of £100,000;
Chelmsford	A threshold for expenditure and savings of £200,000 or a decision which would result in an

	increase or decrease of a least 20% in the relevant expenditure or income budget for a particular service.
Colchester	A threshold for savings and expenditure of £500,000;
Epping Forest	A threshold for expenditure and savings of £250,000 which are currently within budget and policy; or £100,000 or above which are NOT currently within budget and policy;
Harlow	A threshold for savings and expenditure of £50,000
Maldon	Committee system. No definition for key decisions.
Rochford	<p>A threshold for savings and expenditure of £50,000, excluding:</p> <p>Decisions relating to borrowing and investment within the Council's treasury management strategy;</p> <p>Decisions relating to the engagement and payment of staff, unless the Chief Executive determines otherwise;</p> <p>Decisions relating to the sale and purchase of land or property below £250,000;</p> <p>Decisions about the acquisition of and payment for vehicles, plant, machinery, goods, supplies and services where these can be dealt with within budget and in accordance with existing Council policy, Contract Procedure Rules and Financial Regulations, and where the cost does not exceed £250,000;</p> <p>Decisions about capital schemes where these are already contained within the approved capital programme, and can be dealt with in accordance with existing Council policy, contract standing orders and financial regulations, and where the contract does not exceed £250,000.</p>
Tendring	A threshold for savings and expenditure of £100,000 or savings and expenditure which is significant having regard to the local authority's budget for the service or function to which the decision relates.
Essex	A threshold for savings and expenditure of £2m except as otherwise determined under financial regulations

12. It is evident from the table that there is a range of levels of threshold beyond which a decision is treated as being "key". It may be that the lower figures have not been reviewed for some time.

13. In determining whether a decision is “key”, the financial value of the decision is not the only factor. Its impact on Uttlesford residents is also, of course, important.
14. In setting a limit for UDC, it is a matter of balancing transparency with minimising bureaucracy. Taking a midway approach, the definition of a key decision set out in the Appendix is proposed for UDC:

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
Report writers fail to identify decisions that should be treated as “key” and/or fail to comply with statutory publication requirements.	3	2	The adoption of a clear definition of a “key decision”. Raising awareness with officers of the definition and the publication requirements.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix

1. Current definition of a key decision in UDC's Constitution

Key decisions - "key decisions" are decisions of the executive which are likely to result in expenditure or savings which are significant having regard to the budget for the service or function to which the decision relates or are significant in terms of the effects on communities living or working in an area comprising two or more wards in the district.

2. Proposed definition of a key decision to replace the current definition.

Key decisions.

A "key decision" means a decision by or on behalf of the Leader or Cabinet (including decisions by officers acting under delegated powers) which meets one or more of the following conditions:

1. The decision is likely to result in the Council incurring expenditure or making savings in excess of £100,000, subject to the following:
 - Decisions on the acquisition or disposal of land or of an interest in land will be key decisions if their value exceeds £500,000.
 - The following are not key decisions:
 - Loans or borrowing decisions made in accordance with the Treasury Management Policy.
 - Decisions relating to the engagement of staff unless falling within paragraph 4.
 - Contract awards or renewals for vehicles, plant, machinery, goods, supplies and services where budget provision has been made and the award or renewal is within budget.
 - Contract awards where the decision to let the contract has already been treated as a key decision.
2. The decision is likely to be significant in terms of its effects on communities living or working in Uttlesford.
3. The decision relates to the adoption or revision of plans and policies which would have a significant impact on the way in which the Council carries out its statutory functions.
4. The decision relates to consideration by the Cabinet of proposals which would have a significant impact on the provision of services to the public or on the operational management of the Council.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected.

Committee: Full Council

Agenda Item

Date: 10th October 2017

9

Title: Uttlesford Youth Council Report

Author: John Starr, Community Development Officer
01799 510559

Item for decision:
yes

Summary

1. The Youth Engagement Working Group was formed to consider how the Council can better engage with young people in Uttlesford. As a result of their consultation an Uttlesford Youth Council was established and this report seeks endorsement of its constitution and approval of the ongoing level officer and financial support.

Recommendations

That the Council

- a) Agrees to funding as set out in the Financial Implications;
- b) Endorses the Youth Council constitution as appended and agrees to recognise it in the Uttlesford District Council constitution including to access to Council meetings.

Financial Implications

2. The estimated annual cost for this project is £2,000.
The Youth Initiatives working group, at its meeting of Wednesday 27th September, voted to allocate a sum of £2,000 to the Uttlesford Youth Council for the financial year 2017/18 and to commit ongoing annual funding on a similar basis.
3. Officer time to support this project will be approximately 1 day a week from Communities Team and secretarial support from Democratic Services for 6 meetings a year.

Background Papers

4. No background papers are referred to by the author in the preparation of this report.

Impact

- 5.

Communication/Consultation	The Youth Council and Youth Engagement working Group have worked in partnership to produce a constitution based on models of best practice
----------------------------	--

Community Safety	N/A
Equalities	Ensure transport is provided to address rural isolation
Health and Safety	Safe working practices will be adopted. (lone working, safeguarding)
Human Rights/Legal Implications	N/A
Sustainability	The Youth Initiatives Working Group has committed annual ongoing funding
Ward-specific impacts	N/A
Workforce/Workplace	Some impact on two officers

Situation

- 7 The Youth Council is comprised of twenty three representatives from five Uttlesford secondary schools. [Saffron Walden County High, Helena Romanes School Dunmow, Joyce Frankland Academy Newport, The Walden School [now closed], Forest Hall School Stansted].
- 8 The Youth Council has met on seven occasions since March 2018 and plans to meet bi-monthly moving forward. Working groups have been established to cover communications, mental health, school transport and other matters of interest.
- 9 The Youth Council has produced a constitution [here appended for endorsement] outlining its methodology and terms of engagement.
- 10 The Youth Council recognises that longer terms of office and staggered elections are preferable for sustainability and are looking at other models for electing members that may be considered in the future.

Risk Analysis

10

Risk	Likelihood	Impact	Mitigating actions
1 that young people are not given the opportunity to participate	1 Unlikely given the extensive consultation undertaken	1 That the voice of young people is not heard	1 Ongoing engagement with young people in the district and provision of the support needed to maintain the youth council

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Constitution of the Uttlesford Youth Council

Objectives

The Uttlesford Youth Council exists to give the young people of Uttlesford a voice in the affairs of the Uttlesford District Council (UDC). It endeavours to represent specifically the views of young people, especially on those issues in which they have particular interest.

The Youth Council will be recognised in the Constitution of the District Council, and its members will be invited to attend meetings of the Full Council and will be offered a suitable speaking slot to voice matters of concern to young people up to twice annually, and also exceptionally, by prior arrangement with the Democratic Services of the District Council.

The Youth Council will engage with the District Council on any matters of concern and the District Council will in turn undertake to provide a response within ten working days of the matter first being raised.

Electing councillors

Eligibility

Candidates for the Youth Council must

- (a) be aged at least 13 on the 31st of August in the calendar year in which the elections for which they are standing are held, and no older than 19 when they stand for election, and
- (b) be either
 - (i) living or working in the district, or
 - (ii) attending school, college, or sixth form in the district.

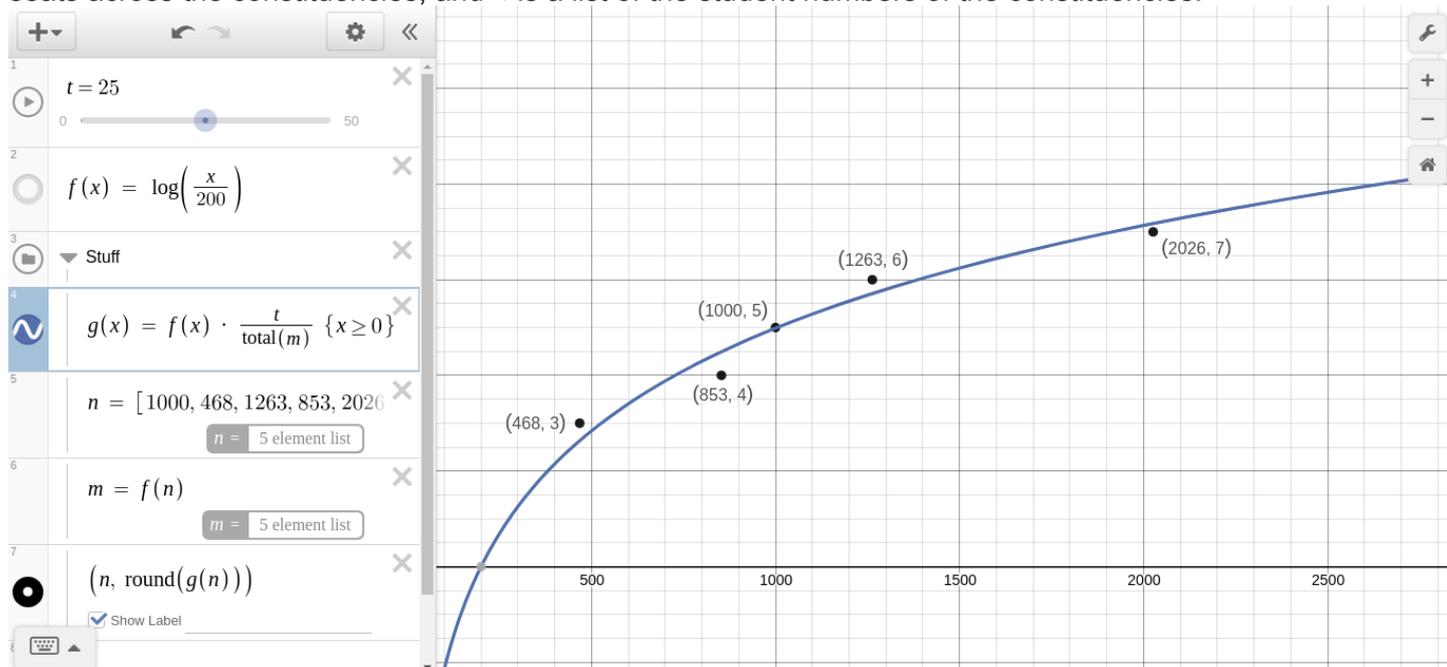
There is no limit on the number of terms that a councillor may serve, nor any restrictions on standing consecutively.

Election pools (constituencies)

A number of seats on the council be available for each secondary school, college, and sixth form in the district, with weightings based upon their sizes thus:

Constituency	Number of students (201601)	Number of seats
Felsted School	~ 1,000	5
Forest Hall School	468	3
Helena Romanes School and Sixth Form Centre	1,263	6
Joyce Frankland Academy, Newport	853	4
Saffron Walden County High School	2,026	7
Residents not attending school in the district	-	3
	Total:	28

The number of seats for each constituency is calculated according to this graph, where t is the total number of seats across the constituencies, and n is a list of the student numbers of the constituencies:



In addition to the school-based seats, three seats are available for residents of the district who meet the eligibility criteria but who do not attend school, college, or sixth form in the district (see table above). Those who wish to stand for the Youth Council will be invited to apply by application. Applications will be considered by the Youth Council at the first meeting after the election and successful candidates co-opted.

If the Youth Council has any vacant seats following elections or after resignations, then it may, by majority vote, co-opt an eligible member to fill each seat. Substitutes who wish to be co-opted are to be considered for the seat first, before seeking to co-opt a member who did not stand for election.

Election

Each educational institution is given the responsibility to hold its own elections. The Youth Council will offer support to the institutions to hold campaigns, promote the elections, and hold the elections with the help of the incumbent councillors for that institution.

The candidates for each constituency will be ranked in descending order of preference after voting. The number of councillors to be elected for each school will be taken from the list of candidates in descending order of votes given to each candidate (beginning with the candidate with the highest number of votes). The remaining candidates, unless they decide to opt out, will become deputies. If a councillor cannot attend a meeting, then they are to nominate one of the deputies to attend as a substitute. The term of a deputy is one year. In the event of a councillor leaving the Youth Council, the deputies are invited in order of lessening preference to fill the vacancy and become a councillor.

Any seats belonging to a councillor whose term has not expired and who is not standing down will not be filled by election.

Elections to fill any vacant seats shall take place during a two week period in October or November annually, as agreed by the Youth Council to fit best within school term times. The terms of the councillors-elect will begin on the day of election. The duration of each term shall be approximately one year, ending on the day of the election after that in which they were elected.

General principles

The Youth Council will adhere to the following principles:

- (a) Although councillors are still permitted to be a member of a political party whilst serving their term, the Youth Council itself will always be strictly non-party political, and all meetings will be conducted on that fundamental principle.
- (b) Councillors will not miss school, college, sixth form, or work to undertake any duties for the Youth Council, unless in exceptional circumstances where it has been permitted for the councillor in question by
 - (i) their school, and
 - (ii) their parent or guardian (if under 18 years of age).
 - (iii) their employer
- (c) All councillors shall endeavour constantly to remain aware of and represent the interests of their constituents.

Meetings

- (a) The Youth Council will hold a full meeting every other month, scheduled in the previous meeting to be
 - (i) during the first week of the month,
 - (ii) in a venue in Uttlesford to which either the Uttlesford District Council or the Essex Youth Services has access, and
 - (iii) from 17:30 to 19:30,unless otherwise agreed. Meetings may be held more frequently if necessitated by urgent business to be considered.
- (b) Meetings of the Youth Council are open to members of the public, district councillors and officers, by prior arrangement through contacting someone nominated by the Youth Council. Any young person whom the Youth Council represents is permitted by prior arrangement to attend an open-session forum at the beginning of the meeting and participate in discussions, but will have no vote. The Youth Council may vote to expel any person on the basis of disruptive behaviour.
- (c) Minutes will be taken at full council meetings, by a councillor confirmed for the role at the beginning of the meeting, comprising at least
 - (i) a list of all councillors present and all apologies received,
 - (ii) details of proposals made and the outcomes of votes upon them,
 - (iii) any significant contributions to discussions by a councillor, andIf a councillor is not available to fulfil this role, the District Council will provide the services of an officer (usually from the Democratic Services team) to undertake this role. Minutes will be published on the Youth Council's page of the website.
- (d) An agenda for each full council meeting will be produced and circulated with at least five full days before the meeting. The agenda will include the undermentioned standard items as well as any matters for discussion as agreed by the chairman. The standard items are:
 - (i) apologies made by councillors who cannot attend the meeting,
 - (ii) minutes of the last meeting to be signed off for accuracy,
 - (iii) any items of business specified on the agenda,
 - (iv) any other urgent business, and
 - (v) the date, time, and venue of the next meeting.
- (e) A meeting of the Youth Council will only be quorate if it comprises
 - (i) at least seven councillors, and
 - (ii) councillors representing at least three different constituencies.

Proposals

Proposals

Any councillor may make a proposal in a meeting.

The proposer may withdraw their proposal at any time before voting.

The procedure for motion to be considered is as follows:

- (a) The proposal must first be seconded.
- (b) The proposal is then opened for discussion and debate by the councillors present.
- (c) Whilst discussion is open, the proposer may agree to amend their proposal, or any councillor can propose an amendment. If either the original motion or any amendment proposed is seconded, it will be put to the vote and determined by a majority show of hands.

Majority show of hands

First those in favour of the motion will be asked to raise their hands, and then those against. Each councillor may only vote once. Any hands which are not raised will be counted as abstentions. For the motion to be passed, a simple majority of councillors who voted must vote for the motion.

If the vote is tied, a second discussion period shall ensue, followed by a second vote. If this is also tied, the person acting as chairman will have a casting vote.

A councillor is only eligible to vote if they have been present for the entire discussion of the motion.

Chairmanship

Chairman

Election

A chairman will be elected with a term of one year, in the last full meeting under the chairmanship of the incumbent chairman. Any councillor may stand for the role of chairman, unless they are the incumbent chairman. Time will be allocated towards the end of the meeting for candidates to make a short speech, and for a vote to be taken. The chairman will be elected by secret ballot. The candidate with the plurality of votes (the most votes, whether or not by overall majority of those present) will be elected.

The chairman-elect's term will begin at the end of the meeting in which they are elected.

Role

The chairman will be responsible for

- (a) chairing full meetings during their term (including ensuring that minutes are taken, directing the Youth Council through the agenda, and overseeing discussions and voting),
- (b) agreeing agenda items for full meetings during their term,
- (c) appointing councillors to working groups and appointing chairmen of working groups, and
- (d) communicating with the chairmen of the working groups to ensure that they have the resources needed.

After a second discussion period, the chairman receives a casting vote to determine the outcome of a tied vote. The chairman can delegate work as agreed to the vice chairman either at or outside of formal meetings, provided that a report back is made to the next meeting.

Vice Chairman

Election

A vice chairman will be elected at the same time, and with the same term and method of election, as the chairman.

Role

The vice chairman will chair meetings in the absence of the chairman. They are expected to assist with the chairman's work outside of meetings.

Working groups

A working group is a voluntary team of councillors which exists to research and make proposals relevant to the terms of reference on which it has been set up. A working group may be created by vote at a meeting. Upon the creation of a working group, the chairman will either before the conclusion of the meeting or immediately after the meeting has finished:

- (a) appoint councillors to serve on the working group — the chairman will ask for a show of hands for volunteers, and should appoint an appropriate number of councillors to the working group, taking into account the number of other working groups on which each councillor sits and the distribution of schools across the councillors —,
- (b) appoint a chairman, or two co-chairmen, of the working group — the chairman will ask the working group's members for a show of hands for volunteers, appointing the chairman or co-chairmen based upon suitability for the working group —, and
- (c) with the members of the working group, agree suitable terms of reference and a date by which the working group must report back, and set a date, time, and venue for the first meeting of the working group.

Ceasing to be a councillor

A councillor will cease to be a councillor

- (a) at the end of their term of office, failing re-election,
- (b) upon formally resigning, by means of signed letter given to the chairman (or vice chairman if the resigning councillor is the chairman),
- (c) upon moving out of the area or school, college, or sixth form which they represent,
- (d) by failing to attend five meetings in a row, having received a warning letter after missing two in a row, or
- (e) by being expelled for poor attendance and poor performance. If a councillor misses two meetings in a row, their expulsion on the basis of poor attendance will be put forwards for discussion at the third meeting. The rest of the Youth Council is to vote upon the matter, guided by evidence of how likely the councillor is to adequately improve their attendance in future meetings, and how useful the councillor has been to the Youth Council outside of the Full Council meetings (such as in working groups).

Constitutional review

A proposal can be made at any Council meeting to amend any part of the Constitution. The Constitution will be approved by the District Council and any amendment must be agreed by majority vote at a Council meeting.