

REPORT TO: LICENSING COMMITTEE

DATE: 22 JANUARY 2019

TITLE: LICENSING ACT POLICY REVIEW -
SUPPLEMENTARY REPRESENTATIONS

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RECOMMENDED that the Licensing Committee recommends to Full Council that:

- A** the final draft of the Licensing Act Statement of Policy (attached as Appendix A to the original report) be adopted, subject to the amendments suggested by Essex Police as detailed in paragraph 4 of this report.

BACKGROUND

1. A late representation has been received from Essex Police after the policy statement consultation closed on 7 January 2019.
2. Essex Police have made four observations in regard to;
 - a) Those persons entitled to play a role in the licensing process. These persons are known as 'Interested persons'.
 - b) A request that stakeholders be signposted to Essex Police in order to encourage 'pre-application discussions'.
 - c) A request that reference be made to a suite of model conditions developed by Essex Police designed to assist licence holders and prospective licence holders when developing their operating schedules and procedures.
 - d) The availability of a suite of control measures developed by Essex Police designed to assist licence holders and prospective licence holders when developing their operating schedules and procedures.
3. The Licensing Team has extended their gratitude to Essex for their

representations.

PROPOSALS

4. The Licensing Team propose that the draft policy be further amended as follows:
 - a) Paragraph 1.25 be amended to read: “Any person or their representatives are ‘interested persons’ and may raise relevant representations. A representation would only be ‘relevant’ if it relates to the 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, in addition, not repetitious.”
 - b) Paragraph 1.51 be amended to read: “Pre-application discussions with Harlow Council, Essex Police and other responsible authorities will be encouraged to assist applicants to develop their operating schedule. Essex Police have developed a suite of ‘model conditions’ which may be used or be modified for use by applicants or licence holders when framing their operating schedule.”
 - c) Paragraph 1.55 be amended to read: “Responsible authorities or other interested persons may trigger a review of a premises licence. The application for review must be supported with evidence.”
 - d) Paragraph 2.3 be amended to read: “To assist applicants, a list of possible control measures is provided. The list is not exhaustive. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule. To further assist licence holders and applicants, Essex Police have developed a comprehensive list of control measures which may be incorporated or adapted for use by the licence holder or applicant in their operating schedule.”

IMPLICATIONS

As contained within the original report.

Appendices

Appendix B – Representation received from Essex Police

Background Papers

None.