

Licensing Policy – Replies to Consultation

Name	Representation	Reply
City of London	Confirmed that they were happy with the changes and do not wish to make any further comment.	
Environment Agency	Acknowledged receipt of consultation	
Richard Gardiner – Environment and Neighbourhood Team	Replied that he was happy with the amendments	
Marc Jordan – Neighbourhood Policing Team Inspector	No comments	
Andy Hodges Fire Safety Officer – Essex Fire and Rescue Team	No observations or comments	
Cllr Richard Morgan	Replied that he was quite happy with the amendments.	
Ongar Town Council	Ongar Town Council have no major comments and regards many of the changes as being beneficial and welcome the Council's willingness to inform local, town and parish councils of applications in their area.	
Note:	Feedback which is grammatical has been incorporated into the new draft attached and no comments are made on these.	
Cllr Angold-Stephens	<p>Para 1.24. – suggested clarification of when an objection could be considered repetitious. .</p> <p>Para 1.44 (now 1.43) –</p>	<p>Para 1.24 - The Guidance on this subject has been added to this</p> <p>Para 1.44 - further amendments have been made to clarify it.</p>
Glen Chipp – Chief Executive		All comments incorporated into the new draft

<p>Julie Chandler - Lead Child Protection Officer</p>	<p>Raised concerns that the policy should contain child protection measures</p>	<p>One of the objectives of the Act is the protection of children from harm.</p> <p>Essex County Council were included in the consultation process. The policy was prepared taking account of the statutory guidance relating to the protection of children.</p>
<p>Nina Coultard</p>	<p>Para 1.24 – confusing</p> <p>Pointed out issues with numbering</p>	<p>Para 1.24 – This paragraph has been amended</p> <p>This has been amended.</p>
<p>Jerry Drewett Office of the Police and Crime Commissioner</p>	<p>Pointed out changes to consultees in the police</p>	<p>This will be taken into account in future consultations</p>
<p>Loughton Town Council</p>	<p>1. Amended 1.1</p> <p>2. Suggested amendments to 1.2</p> <p>3. Suggested addition that the Development Committee should provide information as to the compliance of applicants with planning permissions etc.</p> <p>4. - 1. 16 – Now 1.15</p> <p>Deletion of the word ‘the’ in the 4th line and replacing with ‘any’</p> <p>Delete the last sentence</p> <p>5. Insert suggested 1.22A . This requires the Council to publish a list of newspapers in which it will advertise applications in.</p>	<p>1. Accepted</p> <p>2. Mostly accepted.</p> <p>3. Planning is not a matter that the sub-committees can take account of when making a decision.</p> <p>4. The last sentence sets out the Council’s current policy of matters that it will take into account when attaching conditions.</p> <p>5. Whether a newspaper circulates in an area is a matter of fact. It would place unnecessary burden on the licensing team to have to keep such a list updated.</p>

	<p>6. The insertion of the Health and Wellbeing Board as a responsible authority</p> <p>7. 1.24 now 1.23 – asks for the insertion of ‘county or a parish’</p> <p>8. The Town Council has asked that at the end of para 1.25 a proviso that a licence would not be granted if an advert had not been placed in a local paper.</p>	<p>6. The list of responsible authorities are set out in the legislation.</p> <p>7. This refers to the right of Councillors to make representations. The specific reference to Councillors had already been deleted as any person can object and it is not now relevant to mention Councillors separately</p> <p>8. This is unnecessary as the application would not be valid without complying with legal requirement to advertise..</p>
MacDonalds	<p>Note:</p> <p>This letter was a general letter sent to the Authority prior to the consultation but has been included for completeness.</p> <p>1. Police representations – MacDonalds require the Statement of Policy to require the police to be transparent.</p> <p>2. Vicinity – The removal of the vicinity test requires the Council to consider all representations. There is a suggestion that the Council may wish to include in the policy some apportionment on weight between those immediately impacted by the premises and its</p>	<p>Any representation made by the police would need to be based on evidence. The Sub-committee would require this information before a decision is made and that would be available to the applicants.</p> <p>2. Members may wish to consider this. However, there is little guidance and members will take into account the evidence upon which a representation based.</p>

	<p>operation and with a more generic view and lack of personal experience</p> <p>Other observations are set out in the letter attached.</p>	
<p>Neil Sjoberg – Sec Man Prop – Epping Golf Club Course</p>	<p>Mr. Sjoberg stated as follows:</p> <ol style="list-style-type: none"> 1. He considers the policy to be one sided and that it should state what he gets for his licence fee. 2. Asks for additional wording stating that the objectives are defined in detail in 2.1 3. The ‘applicant’ and ‘applications’ should be defined in more detail – planning applications, licensing applications etc. 4. What is the process for advertising applications 5. Further conditions relating to child safety should be added. Storage areas giving children access to alcohol <p>He has also suggested a nominated child welfare</p>	<ol style="list-style-type: none"> 2. The licensing objectives mentioned in more detail in 2. This has been added to the draft. 3. This policy relates only to licensing under the Licensing Act 2003 and applies to the different types of applications that can be made under that Act. The policy will apply to each of those applications and the definitions are not considered necessary. 4. Presently the Council follows the process set out in the Act and regulations. The application is advertised in the local paper and posted outside the premises. I have incorporated a suggested amendment to 6.2 This would add a cost to premises but

	<p>officer for each premises</p> <p>6. 'How about standard hours for information'.</p>	<p>members may consider this useful</p> <p>6. There are no standard hours specified in the Licensing Act.</p>
<p>Molly Waite – Secretary of the Buckhurst Hill Sports and Social Club</p>	<p>She raises a similar point on the 'vicinity' test as MacDonalds.</p>	
<p>Waltham Abbey Town Council</p>	<p>Waltham Abbey states that they have difficulty in knowing when a licensing application is made and have asked for a weekly list of applications to be sent out.</p>	<p>The Licensing Act 2003 and the regulations made under it specify how the applications must be publicised – advert in local paper, notice on the premises and on the Council's website. There is a danger in advertising outside these mediums as it could be argued in any appeal that the Council is encouraging representations when it should be neutral.</p> <p>However, the Task and Finish Panel has recommended that information relating to applications should be given to neighbouring properties and if that is agreed, giving notice to the town and parish councils is unlikely to further increase the risk that members have agreed.</p> <p>However, Parish and Town Councils have been informed that notices are on the website and their officers could check once a week.</p>
<p>Cllr David Wixley</p>	<p>1. Could the term "other parties" be defined</p>	<p>1. This is the terminology used in the Act for everyone other than a Responsible Authority or an Authorised Person.</p>

	<p>2. Asked if details of the Hampton Principles mentioned in 1.49 could be include as Appendix</p> <p>3. Requested that the Portman Code requested is included as an Appendix.</p> <p>4. Has asked that 'Staggered' replace the word 'longer'</p> <p>5. Appendix 2 – outdated list of consultees.</p>	<p>2.This has been included in the draft for consideration.</p> <p>3.This is a large document and can be found on the internet.</p> <p>4. This does give a different meaning and the closing times should be considered on the basis of the 4 licensing objectives. Other initiatives such as a Cumulative impact policy may be more appropriate to achieve this.</p> <p>5. We will update our list for next time</p>
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