

## LICENSING COMMITTEE 24 NOVEMBER 2010

*Present :-* Councillor Barrie Cook (Chairman)  
Councillors Mary Blandon, John Bouckley, Mark Cory,  
Wyn Foster, Christopher Garnett, Dave Harris,  
Mike Hogg, Margaret Kimberley, Michael Lilley and  
Ann Quarrie

### 12. Minutes

RESOLVED that the minutes of the meetings held on 6 October 2010 be confirmed as a correct record.

### 13. Draft Licensing Policy 2011-2014

The Committee considered a report by the Head of Environmental and Protective Services on the Licensing Policy which the Council was required, by the Licensing Act 2003, to review every three years. The Policy had been reviewed having regard to the various legislative changes that had taken place since its last review in 2008 including the amendment to the Section 182 Guidance. The draft Statement of Licensing Policy sought to balance the interests of licensed businesses and residents. The policy was in line with the Council's vision for Colchester to develop as a prestigious regional centre. The Council and the Licensing Authority wished to discourage anti social behaviour, in particular alcohol related anti social behaviour and crime and disorder, and to encourage the effective and responsible management of licensed premises that would proactively promote the four licensing objectives.

The report set out the consultees that the Council was required to consult. Consultation letters would also be sent to a number of other interested parties including Ward Councillors, Parish and Town Councils, residents groups and responsible authorities. At the end of the consultation period the draft Policy would be sent to Counsel for legal scrutiny and a report would be brought back to the Licensing Committee for approval prior to the matter being referred to full Council for its approval and ratification.

The Committee gave consideration to a suggested amendment to the Policy proposed by the Chairman in relation to Temporary Event Notices which stated that "A Temporary Event Notice will not be granted by the Licensing Authority to an early morning drinking establishment, operating seven days weekly, if such an establishment has previously applied for an extension of its existing licensed closing time; which at a subsequent hearing of the Licensing Authority's Sub-Committee was refused on the grounds that the extension in hours would have the potential of attracting an increase in crime and disorder in the nearby area and was objected to by the Police on these grounds, at the time of the hearing". The Licensing Manger expressed concern regarding the legality of the inclusion of such wording in the Policy and the Monitoring Officer then addressed the Committee to echo the concerns expressed by Mr Harvey. It was agreed that an appropriate way forward was to seek Counsel's opinion on its inclusion when the matter

was referred at the end of the consultation period.

RESOLVED that-

- (i) the draft statement of Licensing Policy be approved for the purposes of consultation
- (ii) consultation be undertaken as outlined in paragraphs 4.2 to 4.6 of the report by the Head of Environmental and Protective Services and that the revised policy be brought back to the Licensing Committee following its scrutiny by Counsel.