

From: Willimont, Marc
Sent: 04 December 2018 15:47
To: Spriggs, Fred
Subject: Comments on Submission from Natasha Dunlop

Dear Fred,

I am aware that a document has been served on the council summarising a telephone call between myself and Ms Natasha Dunlop and that this will be heard at the Licensing Sub Committee on 5th December. I therefore thought it would be helpful for the committee to have my written response to assist it in its deliberations.

On Thursday morning on 1st November I telephoned Ms Natasha Dunlop following her request to speak to me the day beforehand. Prior to making this call I met with one of the Licensing Technical Officers, so that I could be fully briefed. As is my practice, I made detailed notes in this meeting to assist and remind me of the various timelines and deadlines, so I have a record of this conversation. I therefore respond in order of the points in Ms Dunlop's letter.

1. Ms Dunlop explained her situation and I recall that she understood that she had missed the deadline for a TENS submission and I that she asked me for discretion to be applied. Her response in her submission is accurate in that I stated that the Licensing Act is prescriptive and I could not offer any discretion.

I would not have used the word "ass" as mentioned, although I am aware that the expression "the law can be an ass" could have been used to Mrs Dunlop in trying to empathise with her about how prescriptive the Licensing Act can seem to be to those who seldom use it. In this respect I recall that she mentioned that she worked for the local authority in the role of safeguarding and that I used this as an example of why the legislation must be fully adhered to, as one of the most important objectives relates to keeping children protected from harm.

2. Given that our call was on the last day for an objection I may have stated that objections would be unlikely so late in the day, although I do recall that I was extremely careful to add the caveat that representations could still be received until midnight, as per my briefing by officers beforehand. Ms Dunlop seems to capture this in her note. I recall that I also offered for the team to ring her on Monday morning so that she would be made aware of how the consultation period finished.

The remainder of this paragraph seems to be getting confused with the public and evidential tests referred to in the council's Enforcement and Prosecution Policy which I would have mentioned when asked about the possibility of formal action being taken. I recall that I was careful not to say that the business would be protected from a licensing review, representation or enforcement as the Licensing Authority would have to proportionately respond to any complaint should the business still choose to sell alcohol to the public.

3. I remember that we discussed Ms Dunlop's experiences in getting advice from the Licensing Team and recall that this was a helpful conversation, providing feedback to the service which I would consider and pass on. In the future we intend to provide pre application advice and this application would have benefited from this. In our discussion about the Licensing Act I may have commented that the planning legislation required the local planning authority to place public adverts and notices to reduce the likelihood of errors and may have compared that to the Licensing Act, where the onus is all on the applicant. However, I would have been careful to add that we have no discretion over this.

I recall apologising at the end of the conversation, because I could not assist her any more than this. I hope this assists with the committee's understanding of this telephone call.

Marc Willimont

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