

APPENDIX 2

MEMBERS' REMUNERATION PANEL

NOTES OF A MEETING TO DISCUSS SIMILARITIES/DIFFERENCES BETWEEN CURRENT ROLE OF THE COUNCIL'S LICENSING SUB-COMMITTEE CHAIRMEN AND THE FORMER ROLE OF MAGISTRATES UNDERTAKING THE LICENSED FUNCTIONS NOW RESTING WITH THE COUNCIL

Present: Councillor Richard Morgan, JP
Ian Willett, Assistant to the Chief Executive
Graham Lunnun, Assistant Director of Democratic Services

Councillor Morgan explained that the area covered by the Magistrates had been the North West Essex area which stretched from the Epping Forest District to Saffron Walden. He said that there had been approximately 100 Magistrates covering that area and of those 11 had been specially trained to act as Licensing Justices.

Councillor Morgan said that he had been Chairman of the Licensing Justices for some 10/12 years, sitting with two other Licensing Justices at each session. Monthly sittings had been held and approximately one week before each sitting the three appointed Licensing Justices had visited each premises. Often it had been necessary to visit in the region of 14 premises in a day driving over 140 miles. They had been accompanied on their visits by the Clerk (Legal Adviser). They had not been allowed to listen to any representations on the visits or accept any hospitality other than the occasional cup of tea. Councillor Morgan advised that no allowance had been paid to the Licensing Justices, only travel expenses had been paid.

Councillor Morgan pointed out that the Council's Licensing Sub-Committee Chairmen/Members did not visit premises and he assumed that part of the process was now undertaken by Council Officers.

The proceedings in Court had been similar to the Council's Licensing Sub-Committees although when retiring to deliberate the Magistrates had not been accompanied by the Clerk who had only been called in to be advised of what was proposed in order to ensure that problems were unlikely to arise from the decision. This differed to the practice of the Council's Licensing Sub-Committees as the Council's Legal Officers were present throughout the deliberations, advising as necessary.

Councillor Morgan advised that other than chairing the session/meeting and being able to exercise a casting vote, if necessary, the role of the Chairman of the Licensing Justices and the Chairmen of the Licensing Sub-Committees was no different to the role of the other Justices/Members forming the bench/Sub-Committee.

Councillor Morgan confirmed that appeals against the Licensing Justices decisions had been made to the Magistrates' Court and decisions of the Licensing Sub-Committees could be challenged in the Magistrates' Court. He stated that in the event of an appeal to the Magistrates' Court it would be Council Officers who would attend not the Chairmen of the Sub-Committee.

Councillor Morgan also pointed out that the Licensing Justices had issued occasional licences, a role not undertaken by the Licensing Sub-Committees.

In conclusion, Councillor Morgan said he would be happy to meet the Panel if they felt it would be beneficial. He also suggested that it might be advisable for the Panel to seek the views of a Licensing Sub-Committee Chairman who had not had any previous experience of the role of the Licensing Justices – possibly Councillor Ken Angold-Stephens.