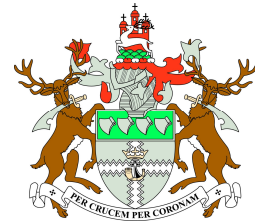


Supplementary Council Agenda



**Epping Forest
District Council**

Council Tuesday, 23rd April, 2013

Place: Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Committee Secretary: Council Secretary: Ian Willett
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

7. QUESTIONS BY MEMBERS UNDER NOTICE

(a) To answer the following questions asked after notice in accordance with the provisions contained in paragraph 12.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

(iv) Council's Nursery Service

Question from Councillor K Angold-Stephens to the Environment Portfolio Holder

"At the last Council meeting I asked about the business plan for the nursery but did not get a satisfactory reply. If, because of the reduced nursery area for growing at the new site, plants have to be externally sourced at considerable cost, or grown on from small purchased plants at a lesser cost, will the Portfolio Holder publish a business plan for the new nursery operation and provide a ground plan showing how the nursery and grounds maintenance will fit onto the site showing glass house space, outside standing areas for outdoor plants, and storage of pots, compost and grounds maintenance machinery?"

(v) Expenditure on Consultants

Question from Councillor Jennie Hart to the Finance and Technology Portfolio Holder

"In view of the very high budget allowance of £100,000 for a consultant to advise on the next waste management contract, is the Portfolio Holder able to provide figures for expenditure on consultants engaged on all council issues for the year 2011-2012?"

Council Procedure Rule 12.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting.

(b) Further questions, if any:

- (i) to the Chairman of the Council;
- (ii) to the Leader of the Council;
- (iii) to the Chairman of the Overview and Scrutiny Committee or
- (iv) to any Member of the Cabinet;.

will follow if not received in time to be incorporated into this supplementary agenda.

8. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET (Pages 182 - 187)

To receive reports from the Leader and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader;
- (b) Report of the Asset Management and Economic Development Portfolio Holder;
- (c) Report of the Environment Portfolio Holder;
- (d) Report of the Finance and Technology Portfolio Holder;
- (e) Report of the Housing Portfolio Holder;
- (f) Report of the Leisure and Wellbeing Portfolio Holder;
- (g) Report of the Planning Portfolio Holder;
- (h) Report of the Safer, Greener and Highways Portfolio Holder;
- (i) Report of the Support Services Portfolio Holder.

12A REPORT OF THE CABINET – PAY POLICY STATEMENT (Pages 188 - 199)

To consider the attached report.

In accordance with Section 100B (4)(b) of the Local Government Act 1972, together with the Council Procedure Rules contained in the Constitution, the Chairman has agreed this item should be reported as a matter of urgency to avoid the undue delay which would arise if the report is delayed to the next ordinary meeting of the Council.

13A REPORT OF THE LICENSING SERVICES TASK AND FINISH PANEL (Pages 200 - 219)

To consider the attached report.

In accordance with Section 100B (4)(b) of the Local Government Act 1972, together with the Council Procedure Rules contained in the Constitution, the Chairman has agreed this item should be reported as a matter of urgency in order to ensure that any new arrangements are in place for the commencement of the municipal year 2013/14..

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Agenda Item 8

Report to the Council

Subject: Planning Portfolio

Portfolio Holder: Councillor Richard Bassett

Date: 23 April 2013

Recommending:

That the report of the Planning Portfolio Holder be noted.

Local Plan

General

We are now progressing steadily with all the work to take our Local Plan process to the preferred options stage. However we are reminded that there are lots of issues and pitfalls along the way and a recent report by Nathaniel Lichfield Partners where they have looked at the 55 plans that have been examined since the Localism Act and found that very few have got through with housing numbers below the RSS targets. If you would like to read the report the link is <http://nlplanning.com/objectively-speaking> .

We are very conscious on the fact we need to update members of the public on the current status of the local plan and work in progress. We are looking at a double page spread to go in the Forester following the Cabinet Committee meeting to advise residents on the main findings from the community choices consultation and what progress is being made toward the preferred options

Workshops

We have now completed the third member workshop on 9th March. The responses were very useful and are good evidence for the Local Plan. We are finalising the digitisation of all mapping information from all workshops and finalising the write up of comments etc. for all three workshops. There is a lot work involved and formatting everything to ensure some consistency in how we present outputs and has taken some additional time. A report on the analysis of responses from the community choices consultation and a revised local development scheme setting out a strategic timeline for the Local Plan to go to 10 June Cabinet instead of 17 June LPCC

Members will receive a summary for their area, detailed information will be made available in the Members room for the whole district and for town and parish council's wanting to see more detail for the rest of the district they can come to the civic offices to view all the submitted info.

Population projections

Work was done on behalf of Essex Planning Officers Association on demographic forecasts for Essex and Phase 4 numbers were presented by Edge Analytics at a meeting at the 18th March in Chelmsford but these are based on 2011 Census Results, Mid-Year estimates and Interim ONS 2011 Projections. Once the 2011 Census data had been collected, ONS began working on revising all the previous Mid-Year Estimates of population from 2002 to 2010. These were due to be published at the end of March but we are now expecting them after elections. These will be a key set of figures as they can be used to form updated, more accurate projections.

As such we are concerned at some of the seemingly inflated projections for this area described in the 2010 sub-national population projections (particularly with regard to net internal migration). The Council also has concerns over the number of Local Plans which are failing at Examination in Public stage, due to challenges over population and growth figures.

The Council wishes to establish a position on population growth and housing which is defensible at Examination in Public, both against a higher target than is reasonable (which could damage environmental and other aspects of the district's character) and a lower target than is reasonable (which would risk the Plan being found unsound through non-compliance with the National Planning Policy Framework). Thus the Council is seeking to obtain the most up-to-date assessment of future population growth in the district, which it can then balance against other pertinent issues such as planning constraints and land availability.

As such we are commissioning Edge Demographics (who did the work for EPOA) to commission demographic analysis and a revised set of population forecasts, and related household and housing forecasts, using the following key data inputs:

- a. Detailed 2011 Census results
- b. The revised mid-year population estimates for the period 2002 to 2010 (ONS)
- c. The new household projections (Department of Communities and Local Government)

Project requirements have been identified in two Phases:

Phase One: Analysis of 2011 Census data at ward level

Analysis of the change in population and housing levels between the 2001 and 2011 Censuses at ward level, including consideration of natural change and net migration. This should be completed when the new datasets described above are due to be released.

Phase Two: Production of new population forecast scenarios

Production of a new set of population forecast scenarios as per Phases 1&2 of the EPOA project, which should use the Census 2011 results, the revised mid-year population estimates for 2001 to 2011, and the new set of household projections. The scenarios should be based on the same model as the county-wide study for EPOA (to ensure consistency), but using any updated information available.

The suite of scenarios will include the following:

- a. Sub-national population projections 2010 (trend)
- b. Migration-led (updated trend using revised MYE, new household projections, Census 2011)

- c. Nil-net migration (updated trend)
- d. Approved RSS – for EFDC alone
- e. Approved RSS Pure – including Harlow growth
- f. Approved RSS Realistic – including Harlow
- g. Dwelling trajectory (using EFDC’s 5 year assessment of land supply published in 2012)
- h. Economic (using most recent run of East of England Forecasting Model)

We would also work with them to put together a population workshop where we will examine the finding and build evidence on what our demographic numbers should be for the local plan. At the Member workshop we will have Edge Analytics present to help further define numbers.

Transition period on National Planning Policy Framework

The Leader has now written to the Planning Minister, Nick Boles asking for a meeting to discuss with Minister the NPPF Transition. Whilst recognising that the Government wishes Local Planning Authorities to get on with new plans, we are concerned that, in seeking to deliver a plan which is legal, sound, and timely, and which also has the understanding of the local community, the required procedural stages are and have been impossible to undertake within a one year timescale.

We note with some concern that the new Duty to Co-operate has caused problems for some authorities at EiPs. EFDC adjoin ten equivalent planning authorities, and also need to liaise with Essex and Herts CCs, the GLA, the City of London Corporation and the Lee Valley Regional Park Authority. This Council has long sought a dialogue with many of its neighbouring authorities, perhaps because we have so many of them or so many strategic topics of common interest, but the Duty to Co-operate obviously brings with it very significant procedural and resourcing issues.

Consequently we are very concerned that the limited transition period is placing councils in an unenviable position and we will be asking what the government can do to assist us in this very difficult period.

Gypsy Roma & Travellers

ECC is currently commissioning an Essex wide Gypsy and Traveller Accommodation Assessment (GTAA)

This is to establish a robust assessment of accommodation needs of the travelling community. This will be very useful to inform us of possible allocation of sites for Local Plans in the community. I will be keeping an interest in the Sunnyside Carthage appeal which is reconvened at the end of this month.

Duty to Co-operate

Together with the Director of Planning & Economic Development, at least, I am attending a growing number of meetings as part of this work; for example met with Redbridge and Waltham Forest, authorities to see if there is common response for those Authorities who have the north eastern sections of the Central Line running through their area, and how then to respond to an expected consultation on Crossrail2. I have held various meetings with Broxbourne and Enfield looking at common issues and looking at working together on several areas including GRT.

We also have held a joint meeting with Harlow gathering information on the possible developments on our joint boarders. We are looking at agreeing a method of cooperation on how we work together when any of these applications come forward. We also have a meeting with Harlow Council in the middle of March where we will be looking at development proposals on the boundaries of Harlow and Epping Forest District. At that meeting we have invited developers to explain their proposals. These are:-

- proposed extension to Sumners Estate
- homes in the east of Harlow Town
- Redevelopment of Harlow Park Nursery
- Development on the south-west edge of The Pinnacles
- development in the south between Parndon Wood and Mark Bushes

Neighbourhood Plans

Moreton, Bobbingworth and the Lavers, and their consultants are requesting the first stage of delivery of their Neighbourhood Plan, and it is the requirement of EFDC to run a consultation for the designation of their Neighbourhood Area (the whole of the parish)

It is planned that we prepare a report for May Cabinet as it is recommended that the decision for designation be made by Members. I will be liaising with officers on this subject as if the number of town/parish Council's submitting areas for designation grow (Waltham Abbey have progressed work on theirs), we will need additional resources to deal with the workload and there would need to be flexibility in resourcing and also possible budget allocation.

Once we designate a Neighbourhood area EFDC can apply for the first tranche of funding (£5k) from the DCLG, upon the Neighbourhood Plan being agreed via referendum the Council will receive £30k- it is being discussed that this amount be increased to £50k. Each of the sums mentioned are per Neighbourhood Plan.

In discussions the parish outlined what their Neighbour Plan would focus on: location, type/mix of development in the parish, design and other policies and protection, designation and plans for open spaces etc.

Assistant Director in Planning.

The Assistant Director (Building) is to leave the Authority in May after many years service as a Building Surveyor, and with other facets of Council activities such as dangerous structures, entertainment issues and emergency planning. More latterly John Kershaw has led a team of professionals and others to provide a service which has been kept in profit when many other such services have not been able to achieve that. I wish John well for the future, and thank him for his efforts.

Local Land and Property Gazetteer (LLPG) project.

As per the request to Cabinet for DDF funding to improve our LLPG and to bring it up to the new required standards I am pleased to report significant progress has been made regarding the following;

1. As at the end of March 2013 Epping Forest District Council has now reached the National Standard required across all indicators.

2. The AAC (Authority Address Custodian), Carolyn Bintley has managed to match 98.628% of PAF data (Postcode Address Files). This is the new and most important indicator for 2013 - 2014 and means we are already at Bronze standard for this indicator.
3. Significant progress has been made in matching accuracy for two of the most difficult areas of Address Management;
 - The RPC (Representative Point Codes) which are GIS locations links to properties in the district and are in turn linked to UPRN's (Unique Property Reference Numbers). This is a key indicator that needs to be highly accurate to enable efficient and effective response by emergency services to correctly located addresses.
 - NDR (Non Domestic Rates) Indicators which was previously the worst performing indicator for address accuracy.

There were some delays were initially experienced in carrying out a full synchronisation of all LLPG Address Information held by EFDC with National Address Information that GeoPlace LLP holds. Steps have been taken to resolve this with ICT who are working closely with GeoPlace to ensure our LLPG Database Northgate Gazetteer is accurately synchronised with the NLPG (National Land and Property Gazetteer data).

Further work needs to take place to improve the quality of Non Domestic Rates, Council Tax and Electoral Role address information and ensure that these records are fully synchronised with our LLPG Address data records.

Finally additional work is required coordinate improvements to LSG (Local Street Gazetteer) records so as to ensure that NSG (National Street Gazetteer) and LSG Records are accurately synchronised. This requires joint working between both the AAC (Authority Address Custodian), the Street Naming and Numbering section in ESS (Environmental and Street Scene) along with the Authority Street Custodian (ASC) Network and Safety / Traffic Manager, Essex County Council

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Report of the Cabinet

Date: 23 April 2013

Portfolio Holder: Councillor H Ulkun
(Support Services)

PAY POLICY STATEMENT

Recommending:

That the attached Pay Policy Statement be adopted and published on the Council's website.

1. The Localism Act 2011 requires the Council to publish a Pay Policy Statement setting out details of its remuneration policy. Specifically including the Council's approach to its highest and lowest paid employees.
2. The Council's first Pay Policy Statement was published on the website in March 2012.
3. The matters which must be included in the statutory Pay Policy Statement are as follows:
 - (a) the Council's policy on the level and elements of remuneration for each Chief Officer;
 - (b) the Council's policy on the remuneration of its lowest paid employee (together with its definition of 'lowest paid employees' and its reasons for adopting that definition);
 - (c) the Council's policy on the relationship between the remuneration of its Chief Officers and other Officers; and
 - (d) the Council's policy on specific aspects of Chief Officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency.
4. The Act defines remuneration in broad terms and guidance suggests that it is to include not just pay but also charges, fees, allowances, benefits in kind, increases in/enhancements of pension entitlements and termination payments.
5. We have amended the Council's Pay Policy Statement for 2013/14 to reflect:
 - (a) the decisions taken at our meeting on 3 December 2012 in relation to the Council's Car Lease Scheme;
 - (b) the new Local Government Pension Scheme employee contribution rates;
 - (c) the salary and pay arrangements for the Chief Executive as agreed at Full Council on 18 June 2012; and
 - (d) the Returning Officer's fees paid in 2012/13.
6. The amendments are shown in bold in the attached Statement.

7. Further changes to the Policy Statement can be made through the year subject to the full Council's agreement. Changes to the various policies and guidelines will continue to be agreed in accordance with current practices.

8. We recommend as set out at the commencement of this report.

EPHING FOREST DISTRICT COUNCIL

PAY POLICY STATEMENT 2013/14

Introduction

Epping Forest District Council is located adjacent to three outer London boroughs and on the Central Line into the City of London. Also residents have easy access to major motorway routes as both the M11 and M25 run through the district. There is a high incidence of commuting from the district which impacts on the local labour market and levels of pay, particularly for jobs that require skills that are in relatively short supply. Whilst the current recession has eased some long standing recruitment difficulties and improved retention rates in key skill areas, the situation is not static and is capable of changing very rapidly.

This Statement reflects the Council's current policies and strategies which will be amended over time to deal with changing circumstances. These documents play an important role in attracting and retaining the best people to the Council.

All decisions on pay and reward for Chief Officers will comply with the Council's current Pay Policy Statement. Salaries for Chief Officers will be considered by Full Council.

Hutton Review 2011

The Hutton Review looked at the rise in executive pay in the private and public sectors. It suggested that the 'public overestimates how much public sector executives are paid' and that 'chief executive officers of companies with a turnover of between £101 million and £300 million earn more than twice their public sector counterparts'. It also suggested that pay multiples (between the highest and lowest paid employees) were much wider in the private than public sector.

The Review proposed that public bodies should publish information on senior managers pay and pay multiples between the highest and lowest paid employees and to that end some of these recommendations have been taken forward by the Localism Act 2011.

Legislation

Section 38 (1) of the Localism Act 2011 requires English and Welsh Councils to produce a Pay Policy Statement for 2012/2013 and for each financial year thereafter.

The Council's Pay Policy Statement;

- Must be approved formally by the Council;
- Must be approved each year;
- May be amended during the course of the financial year; and
- Must be published on the Council's website.

The Pay Policy Statement must include;

- The level and elements of remuneration for each of the Chief Officers;
- The remuneration of its lowest paid employees (together with its definition of 'lowest paid employees' and the Council's reasons for adopting that definition);
- The relationship between the remuneration of its Chief Officers and other Officers; and
- Other aspects of Chief Officers' remuneration; remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency.

Remuneration is defined widely, to include not just pay but also charges, fees, allowances, benefits in kind, increases/enhancements of pension entitlements and termination payments.

All salaries and calculations are based on full time equivalent (fte) figures and where applicable includes Inner Fringe Allowance.

Publication of the Pay Policy Statement

The Policy has been made available on the Council's website and contains hyperlinks to associated documents.

Effect of this Policy Statement

Nothing in this Policy Statement enables unilateral changes to employee's terms and conditions. Changes to terms and conditions of employment must follow consultation and negotiation with individuals and recognised trade unions as set out in other agreements and in line with legislation.

Single Status Agreement

In 1997, the National Joint Council (NJC) for Local Government Services (a body that brings together public sector employers and trade unions) came to an agreement to introduce a new pay and grading structure covering all employees whose terms and conditions are governed by the 'Green Book'. In 2004 the NJC set a timetable that required all pay and grading reviews to be completed by 31 March 2007. Epping Forest District Council met this timetable and implemented Single Status in July 2003.

As a result of this process a new salary structure and a Job Evaluation Maintenance Procedure were agreed between the trade unions and the Council. Collective Agreements, which set out a number of terms and conditions and pay arrangements, were also agreed with the trade unions. The Agreements are applied consistently to all employees.

Pay Awards

Major decisions on pay, such as annual pay awards, are determined for most local authorities in England and Wales by the National Agreement on Pay, arrived at through a system of central collective bargaining mechanisms between representatives of Local Government Employers and representatives of the relevant trades unions on the National Joint Council. It is the Council's policy to implement national agreements.

Overtime and Evening Meeting Allowances

Payments for working outside normal working hours are set out in the Council's Collective Agreements.

Annual Leave

The Council's Annual Leave Policy sets out leave entitlements for employees.

Flexi-Time Scheme

The Council's Scheme applies to all employees with some exemptions due to service delivery needs. The arrangements are set out in the Council's guidance.

Subsistence Policy

Subsistence Allowances are paid in accordance with the Council's Subsistence Policy. The policy sets out when employees are able to claim, what to claim and how.

Car and Cycle Allowance Policy

The Council pays Essential and Casual Car User allowances in appropriate circumstances which are in accordance with 'Green Book' rates. The Car and Cycle Allowance Policy sets out when employees are able to claim, what to claim and how.

The general principles of both policies are to ensure that employees only claim for additional expenses when undertaking work for the Council.

These policies are applied consistently to all employees.

Car Leasing

Cabinet, at its meeting on 3 December 2012 agreed the following changes to the Council's Car Lease Scheme, following a lengthy review and robust consultation process;

- **Employees on the current scheme will be allowed one further lease of 3 years, after which the scheme will close**
- **The Council will make its contribution based on a maximum of £4,000 per annum including insurance with all costs over the maximum to be met in full by the employee**
- **The Council's contributions are capped as follows:**
 - **Year 1 – 70%**
 - **Year 2 - 60%**
 - **Year 3 – 50%**
- **These reducing contribution rates are the upper limits. Employees who currently qualify for the lower rates of Council contribution will retain their current rate and will be unaffected until the cap falls below their current rate.**

Currently there are 43 employees on the Scheme; 4 Chief Officers; 7 Assistant Directors and 32 employees. Five of the total number on the Scheme will be returning their lease car and 1 has indicated they wish to purchase their car. These employees will therefore leave the Car Leasing Scheme.

As a comparison, at 2012/13 there were 60 employees on the Scheme; 4 Chief Officers; 13 Assistant Directors and 43 employees.

The Cabinet also agreed to implement a Green Car Salary Sacrifice Scheme for all eligible staff to access with no Council contribution towards the cost of an employee's lease payments.

Professional Fees and Subscriptions

The Council will meet the cost of a legal practising certificate for all those employees where it is a requirement of their employment. No other professional fee or subscription is paid. The Council does not differentiate between Chief Officers and other staff.

Pensions and Termination Payments

On ceasing to be employed by the Council, individuals will only receive compensation:

- in circumstances that are relevant (e.g. redundancy), and
- that is in accordance with our published Pension Policy on how we exercise the various employer discretions provided by the Local Government Pension Scheme (LGPS), and/or
- that complies with the specific term(s) of a compromise agreement.

All employees with contracts of 3 months or more are automatically enrolled into the Local Government Pension Scheme (LGPS), which is administered by Essex County Council. Details of the contribution rates are set out below.

The Council has the option to adopt a number of statutory discretions under the;

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
- The Local Government Pension Scheme (Administration) Regulations 2008.
- The Local Government (Discretionary Payments) Regulations 1996 (as amended).

In general the Council has chosen not to exercise a range of discretions relating to the LGPS due to additional costs. The Council's Pension Policy contains information regarding all its discretions and includes information regarding Flexible Retirement arrangements.

Payments on grounds of Redundancy are covered by the Council's Redundancy and Efficiency Payments Policy.

All employees are treated in the same way with regard to the calculation of severance payments in situations of redundancy.

Pension Contributions

As at the 1 April 2013 the following employee contribution rates will apply;

Salary	Contribution
Up to £13,700	5.5%
£13,701 to £16,100	5.8%
£16,101 to £20,800	5.9%
£20,801 to £34,700	6.5%
£34,701 to £46,500	6.8%
£46,501 to £87,100	7.2%
More than £87,100	7.5%

Election Fees

Council employees engaged by the Returning Officer for election duties received payments under the relevant schedule of fees (i.e. polling and counting duties).

Remuneration of Employees, Grades 1-12

Pay Scale

For employees subject to the 'National Agreement on Pay and Conditions of Service of the National Joint Council (NJC) for Local Government Services' (commonly known as the 'Green Book'), the Council uses a pay spine that commences at national Spinal Column Point (SCP) 4 and ends at local SCP 58. This pay spine is divided into 12 pay grades; grades 1 – 10 contain five incremental points and grades 11 and 12 contain 4 incremental points. Grade 1 is the lowest and grade 12 is the highest of these pay grades. Posts are allocated to a pay band through a process of job evaluation.

The Council uses the NJC Job Evaluation Scheme to evaluate all posts on grades 1 – 12. This also includes Craft Workers who are subject to the Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees National Agreement on Pay and Conditions (commonly known as the 'Red Book').

The Council does not operate overlapping pay grades therefore, the minimum point of a pay grade is not lower than the maximum point of the preceding pay grade.

Individuals will normally receive an annual increment, subject to the top of their grade not being exceeded. For grades 1 – 10 the 5th point each grade will only be awarded if the employee has at least 5 years continuous service with the Council.

An Inner Fringe Allowance of £798 per annum is paid to employees (this does not apply to Apprentices).

Assistant Directors

Only Assistant Directors are paid on grades 11 or 12 and are also subject to the NJC Job Evaluation Scheme. The salary ranges for these grades are;

Grade	Scale Column Points	Salary Range
Grade 11	SCP 51 – 54	£43,765 - £47,140
Grade 12	SCP 55 - 58	£49,033 - £52,837

The salary shown is inclusive of the Inner Fringe Allowance of £798 per annum.

Definition of Lowest Paid Employees

For the purpose of this Policy Statement, employees on grade 1 are defined as our lowest-paid employees. This is because no employee of the Council is paid lower than at SCP 4 which is contained in grade 1. Grade 1 contains only 2 SCPs; SCP 4 and 5. At 31 March 2013, the fee annual values of these two SCPs are £12,943 (SCP 4) and £13,110 (SCP 5) which include the Inner Fringe Allowance of £798 per annum.

The exceptions to the lowest grade are Apprentices who are paid in accordance with a nationally set minimum hourly rate/wage which is currently at least £95 per week. The Council also pays an additional £10 per week for travel expenses.

General

The values of the SCPs in grades 1 – 12 are increased by pay awards notified from time to time by the National Joint Council for Local Government Services. There has been no pay award implemented to these grades since 1 April 2009.

An Inner Fringe Allowance of £798 per annum is paid to employees (this does not apply to Apprentices).

Annual salaries are paid pro-rata to part-time employees based on the hours contracted to work.

Remuneration of Chief Officers

To date the Council has used Hay Job Evaluation to evaluate and set the salary for its Chief Officer posts. A Senior Management Review was undertaken in 2007/2008 whereby a new organisation structure for the Council was agreed and the following roles were evaluated at that time;

- Chief Executive
- Deputy Chief Executive
- Directors

The exception to this is the Assistant to the Chief Executive role, they continue to be paid on the Council's previous Management Grade.

The Council will not agree any pay arrangement which does not reflect the correct employment and/or tax/NI status of a Chief Officer or employee.

It will be the responsibility of Council to agree the initial salaries for Chief Officers following external advice/evaluation/benchmarking.

Chief Executive

The Chief Executive role has recently been recruited to on a permanent and full-time basis. During the recruitment process the Council took external advice to set the appropriate salary for the role which took account of current economic circumstances and the recruitment market.

As at 31 March 2013 the salary for the Chief Executive role is a spot salary of £112,000 per annum which includes the Inner Fringe Allowance of £798 per annum and evening meeting allowances. The postholder is entitled to claim essential car allowance in accordance with the Council's policy. The salary and pay arrangements for the Chief Executive were agreed at Full Council on 18 June 2012.

The Chief Executive is also the Council's Head of Paid Service.

Deputy Chief Executive

The Deputy Chief Executive reports to the Chief Executive. As at 31 March 2013, the annual FTE range for the grade of this post is £81,960 - £87,083 which includes an Inner Fringe Allowance of £798 per annum. The postholder is entitled to claim essential car allowance in accordance with the Council's Policy, is eligible to have one further car lease under the Car Leasing Scheme and claim evening meeting allowances.

There are three incremental points in the grade.

Any pay awards to the Deputy Chief Executive salary will be agreed at a national level as notified from time to time by the JNC for Chief Officers of Local Authorities. The Deputy Chief Executive has not received a pay award since 1 April 2008.

Directors

The Directors report to the Chief Executive. As at 31 March 2013, the annual FTE salary range for the five Director posts is £71,715 - £76,838 which includes the Inner Fringe Allowance of £798 per annum. The postholders are entitled to claim essential car allowance in accordance with the Council's Policy, if currently on the car lease scheme they are eligible to one further car lease and can claim evening meeting allowances. There are three incremental points in this grade.

Any pay awards to Directors' salaries will be agreed at a national level as notified from time to time by the JNC for Chief Officers of Local Authorities. Directors have not received a pay award since 1 April 2008.

The statutory roles of Monitoring Officer and 'Section 151' Officer are currently carried out by the Director of Corporate Support Services and Director of Finance and ICT respectively. The postholders do not receive additional payments for these duties.

Assistant to the Chief Executive

The salary for this role is a spot salary at the top of Management Grade 3. As at 31 March 2013 the salary is £61,053 which includes the Inner Fringe Allowance of £798 per annum. The postholder is entitled to claim essential car allowance in accordance with the Council's Policy, and claim evening meeting allowances.

Any pay awards to this salary will be agreed at a national level as notified from time to time by the Joint Negotiating Committee for Chief Officers of Local Authorities. Chief Officers have not received a pay award since 1 April 2008.

This post within the Council's management structure is recognised as a Chief Officer however it is not a Director role. This current postholder is also the Council's Returning Officer and Deputy Monitoring Officer.

The Returning Officer role attracts payment of fees and expenses, depending on the elections held in any year.

In May 2012 he officiated as Returning Officer in respect of District Ward and Parish Council elections, the fees for which are set by the Council under delegated authority approved by the Council. The fees are based on electorate figures for the Ward/Parish Council areas concerned where elections were held.

For these duties the following fees were paid to the Returning Officer:

District election	- May 2012	Fee: £8326.95 (gross) Expenses: No claim
Parish election	- May 2012	Fee: £3561.94 (gross) Expenses: No claim
PCC election	- November 2012	Fee: £4704 (gross) Expenses: No claim

The amount for such payments varies according to the particular elections held from year to year. These fees are taxable and subject to National Insurance and pension deductions.

Only a proportion of the fees were retained by the Returning Officer. The remainder were paid to employees who provide specific support in the organisation of elections which are outside the scope of the ordinary scale of election fees.

General Principles Applying to Remuneration of All Employees

On recruitment, individuals will be placed on the appropriate SCP within the pay grade for the post that they are appointed to. Usually new starters will be placed on the bottom of the pay grade unless their current salary is higher. In these circumstances their starting scale point will match their salary at least.

Access to appropriate elements of the Council's Relocation Scheme may also be granted in certain cases, when new starters need to move to the area.

The Council does not apply performance-related pay or bonuses.

Market Supplements will be paid in accordance with the Council's Policy for Payment of Market Supplements.

Honorarium or ex-gratia payments will be paid in accordance with our Additional Payments Policy.

These policies are applied consistently to all employees.

Pay Multiples

The Hutton Review raised concerns about multiples in the order of 20 or higher between the lowest and the highest paid employees in local authorities. However the Interim Report noted that the most top to bottom pay multiples in the public sector are in the region of 8:1 to 12:1. The Council is therefore content that having due regard for the level of responsibilities and personal accountability between the lowest and highest paid roles, the current multiple of **8.6** seems to be both justifiable and equitable.

The council does not set the remuneration of any individual or group of posts by reference to a multiple. However, as suggest by the Hutton Review the Council will monitor multiples over time to ensure they are appropriate and fair and will explain significant changes in pay multiples. The multiples are as following;

Role	2012/13		2013/14	
	Multiple	Salary	Multiple	Salary
Chief Executive compared to lowest salary	N/A		x 8.6	£112,000
Acting Chief Executive compared to lowest salary	x 8.5	£110,000	N/A	
Deputy Chief Executive compared to lowest salary	x 6.5	£87,083	x 6.5	£87,083
Directors compared to lowest salary	x 6	£76,838	x 6	£76,838
Assistant to the Chief Executive compared to lowest salary	x 4.7	£61,063	x 4.7	£61,063
Assistant Directors compared to lowest salary	x 4	£52,837	x 4	£52,837
Average salary compared to Chief Executive	N/A		x4.3	£26,300
Average salary compared to lowest salary	x 2	£26,300	x 2	£26,300

- The average salary is based on fte and has not been pro rata'd for part-time employees
- The lowest salary in the Council is £12,943

Remuneration Panel

The Council is not at this time considering forming a separate Remuneration Panel to set pay rates for Council employees. The Council will continue to use an external body to evaluate Chief Officer roles and/or to provide benchmark pay information for these roles. It will also continue to use an internal job evaluation panel to evaluate those posts graded 1 – 12.

Annual pay awards will continue to be determined at a national level and implemented by the Council.

It will be the responsibility of Council to agree the initial salaries for Chief Officers following external advice/evaluation/benchmarking.

Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. **Our next Statement is scheduled to be for 2014/15 and will be submitted to Full Council for approval as reasonably practical after 31 March 2014.**

If it should be necessary to amend this **2013/14** Statement during the year that it applies, **an appropriate decision will be made by the relevant Committee and Full Council will agree the Pay Policy Statement.**

Agenda Item 13a

Report to Council

Date of meeting: 23 April 2013

Subject: Report of the Licensing Services Task and Finish Panel

Chairman of the Panel: Councillor P Smith

Committee Secretary: Adrian Hendry, ext.4246



Recommendation:

- (1) That, having considered the comments of the Overview and Scrutiny Committee, the Licensing Committee and the Cabinet, the Council adopt the recommendations of the report of the Licensing Services Task and Finish Panel subject to recommendation (2); and**
- (2) That recommendation (5) of the report be amended to reflect the view of Overview and Scrutiny Committee that a review of operation of the new scheme be commenced at nine months rather than one year; and**
- (3) That subject to the recommendations of the report being adopted under (1) above, a District Development Fund supplementary estimate in the sum of £63,770.72 for 2013/14 be approved.**

Report

Overview and Scrutiny Committee Meeting – 9 April 2013

1. At their meeting in April the Overview and Scrutiny Committee considered the final report of the Licensing Services Task and Finish Panel. The report brings forward a number of recommendations relating to consultation methods and arrangements for holding premises licence hearings in the evening. Their report is attached to this report. The recommendations of the Panel are set out on page 6 of the report.
2. The initial request had been made to the Overview and Scrutiny Committee and was based on difficulties working members had in attending day time meetings, local members considering premises license applications and extending public consultation.
3. Discussion at the Overview and Scrutiny Committee centred around the issues of whether the licensing sub-committee meetings should be held in the evening with Taxi license matters at daytime meetings, extension to the notification criteria and the resultant increase in the number of meetings. The Committee agreed to support the recommendations but to reduce the time of a review to take place from twelve months to nine months.

Licensing Committee – 10 April 2013

4. The full Licensing Committee considered the Task and Finish Report at their meeting on 10 April. They noted that it had also been discussed at the Overview and Scrutiny Committee. They considered that the role of the Licensing Officer had not been explained enough, that the officer had a duty to mediate between the applicant and any objectors and that this would require a greater resource input if the number of objections to applications increased.

5. They noted that case law tended to be against ward members considering applications that involved their own wards.

6. They also considered that some objectors either with family responsibilities or problems with travelling may not wish to travel in the evening, that legal representatives would charge applicants extra for attending evening meetings and if an application could not be considered in one meeting then it would have to be brought back the next day, which could cause problems if a member could not attend that day. With the increased consultation proposed, the possibility of having to have several extra meetings per month was raised and the consequent extra work that would involve. A new Licensing officer would need to be trained but it would take about six months before they were competent enough to carry out their required duties.

7. The Committee decided unanimously that they did not agree any of the recommendations of the Task and Finish Panel on the grounds of the costs being prohibitive (over £60,000 in the first year) and that the proposals were not workable for the reasons indicated.

Cabinet – 15 April 2013

8. At their meeting on 15 April, the Cabinet considered the financial implications of the Task and Finish Panel's report. They agreed that the bid for a DDF supplementary estimate in the sum of £58,770.72, together with a single payment of £5,000 for upgrading accommodation for Licensing should be brought to the Council.

9. We recommend as set out at the commencement of the report.



SCRUTINY

REPORT OF THE LICENSING SERVICES TASK AND FINISH PANEL

MARCH 2013

Contact for enquiries:
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CONTENTS

	Page
1. Chairman's Foreword	3
2. Introduction or Overview	4
3. Context	5
4. Summary of Recommendations	6
5. Report	7-12
6. Conclusions	12
7. Members of the Panel	13
8. Acknowledgements	13
9. Appendix 1 – The Request by Member for Scrutiny Review	14
Appendix 2 -Draft Consultation letter for premises licensed under the Licensing Act 2003	15-17

1. Chairman's Foreword



The Licensing Function at Epping Forest District Council, as the Licensing Authority, plays an important part in the general well being of the residents and businesses in the District, by making sure Licensable activities are properly registered, assessed and where granted, operate within the terms of the Licence.

The Licensing Committee have Statutory Powers across twenty two Acts pertaining to Licensing ranging from Animal Boarding Establishments Acts 1963 to Zoo Licensing Act 1981

The business of the Task and Finish Panel, has been to look at our local arrangements under the Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982 in relation to premises licences and whether or not a more flexible approach could be undertaken to accommodate members and members of the public who experience difficulties in attending day time meetings and to look at ways to inform the occupiers of neighbouring properties of applications that are under consideration.

We have looked at the original Task and Finish request in great detail over, initially three meetings and the Licensing Officers have supplied very detailed analyses and general information to the many questions that have been asked of the Panel.

It is possible, there may be a requirement for this Panel to remain operative during the forthcoming municipal year to deal with genuine side issues that have arisen because of the very nature of the changes that the original request was seeking.

Our Task and Finish Panel has been greatly assisted by the Licensing Officers, Legal Officers and Democratic Services Officers whom we thank very much for the work they have done to inform the Panel.

Councillor Penny Smith

Chairman - Review of Licensing Services Task and Finish Panel

2. Introduction

Summary of issues scrutinised

The Licensing Services Task and Finish Panel was established by the Council's Overview and Scrutiny Committee in September 2012.

Our primary objective was to undertake a review of the proposal that licensing applications were considered in a similar way to planning applications –

- (i) Move the meetings to the evening so that Councillors with full time jobs could join the committee;
- (ii) Create south, east and west licensing sub-committees, so local councillors with local knowledge could decide the cases; and
- (iii) In cases where nightclubs, pubs or shops applied for changes to the hours in which they were licensed to sell alcohol, the relevant parish/town, district and county councillors and the nearest 50 residential properties to the application premises should be informed by letter to make them aware that an application had been submitted.

The Public Interest Justification presented as part of the original proposal forms are attached as Appendix 1.

Terms of Reference

At our initial meeting, the panel developed and agreed the following Terms of Reference. These were kept under review throughout the period of our work, to ensure their continued relevance.

1. To review the operation and effectiveness of the Licensing Sub-Committees structure.
2. To have regard of the Licensing Act 2003 on consultations.
3. To review the feasibility of moving some meetings to the evening.
4. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
5. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

Methodology

The Panel agreed the matters which should be taken into consideration and instructed officers to provide statistical and other information.

This information was considered at our meetings and further reports required.

3. Context

The Authority has a statutory duty to issue and enforce conditions in respect a number of different licences. The types of applications that our Panel are considering are those which relate to premises licences. The reason is that the uses proposed in the applications may adversely affect the enjoyment of neighbouring properties.

Examples of the types of licence are:

- Licence for the retail sale of alcohol which includes alcohol consumed on and off the premises,
- Licence for late night music,
- Licence for sale of hot food after 11pm,
- Licence for street trading
- Gambling Act licences.

The Licensing Act 2003 specifies the composition of a Licensing Committee. Although it is not necessary to follow these requirements for licences issued under other legislation, such as gambling and street trading, this Authority does so and has only one licensing committee for all licensing. Regulations have been made under the different Acts specifying time limits for consultations and setting dates for the application hearings etc.

The statutory requirements and the Authority's own policies require that notices giving details of the applications are displayed on or near premises and advertised in a newspaper circulating in the area. The Panel has concerns that occupiers of neighbouring properties are not always aware of consultations.

We acknowledged that these proposals would lead to additional work for the sub-committees because of evening meetings and additional representations. The Panel considered that the residents' concerns mainly related to Premises Licences however not all concerns will be relevant when making a decision in respect of an application. The various licensing regimes set out the what issues the sub-committee can take account of for example the Licensing Act 2003 specifies that members may only take account of the four licensing objectives mentioned in the Act and there are only three objectives specified in the Gambling Act. Representations on other grounds such as planning cannot be taken into account.

We considered that the majority of Taxi licensing applications should continue to be heard at a daytime meeting.

4. Summary of Recommendations

The Task and Finish Panel recommended:

Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that "Important – Notice of Licensing Consultation"
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 10) An interim 6 month report be submitted to the full Licensing Sub Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 13.

5. Report

COMPOSITION OF LICENSING COMMITTEES

The Licensing Committee currently comprises fifteen members who are not selected on the basis of the location of their wards. Where the Authority receives objections to applications or the applicant does not meet set criteria the sub-committee hears the case and makes a decision.

The hearings take place during the day. The sub-committee may hear more than one premises licence application in a day together with applications relating to taxi vehicle and driver's licence.

The hearings are attended by the applicants, their legal and other advisors, members of the public, authorised persons which includes the Council's own environmental officers and responsible authorities such as police, trading standards officers from County and Epping Forest's planning officers.

A Request by Members for Scrutiny Review was made on the grounds for consideration that this be altered so that:

- applications should be heard by members who represent wards in the area where the Premises are located, and
- meetings should take place in the evenings so that members with day time jobs could take part in the sub-committee hearings

We instructed officers to provide a statistical review of the Licensing Sub-Committee meetings over the last two years to ascertain:

- how many applications there had been,
- how many applications received representations and were decided by the sub-committee,
- the length of the meetings,
- the types of applications considered,
- whether the applicants had been legally represented, and
- the indicative costs of hiring outside premises.

Officers also consulted with other officers from Councils who held evening meetings.

At our meetings we noted that last year that approximately two thirds of the hearings which took place related to premises in the south of the district. We considered that only one application should be heard in one evening.



The frequency of hearings could not be ascertained in advance as there was sometimes an application for more than one premises in an area in a month and in other months there may not be any. If a local hall for the south was booked for the year then it would not always be used. There may be difficulties in booking suitable additional accommodation if more than one hearing was to take place in a month. In the north, it would not be economic to book a year ahead and it may be difficult to book suitable accommodation at short notice.

The officer's consultations had also highlighted concerns about health and safety. We therefore decided that meetings should take place in the Council's Civic offices

Consideration was given to splitting the Licensing Committee into north/south areas but this was rejected at present but the Appointments Panel be asked to consider geographic representation of the Licensing Committee.

This Panel decided that:

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.**
- 2) That one calendared meeting is included in a time table to be held during the day per month to consider applications relating to taxi licences.**

The Panel acknowledged that the Premises Licences hearings and the additional notifications of the consultations may lead to pressure being put on members if all applications were heard in the evening. Members considered delegating these decisions to the Director of Corporate Support Services and the Assistant Director (Legal) but decided that members should continue to make the decisions. Daytime meetings allow for a number of applications to be heard in one meeting.

- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;**

The Panel agreed that the Committee Service should book the Council chamber for one meeting a month. It was noted that in a two year period there were ten months with two hearings and one month when there would be three hearings. The rooms in the Civic Offices for those additional hearing would be booked within statutory time limits.

We are proposing that the occupiers of every property within 150 metres of the application premises receive notification of the application. The panel considers that this will lead to an increase the involvement of the local residents in the licensing decisions and we understand from the experience of Westminster Council that representations are received on all applications and it receives a large number of representations in some of the cases. If our proposals meet with a similar response we would expect that there will be two meetings a month and increase in the time members of the sub-committees and legal officers will have to prepare for the meetings.

Most licensing hearings will be booked to start at 6.30pm. We heard evidence that in some cases, especially reviews, these have taken a full day. In cases where it is likely that the hearing and decision in a case will exceed three and a half hours then the case will start earlier in the day. It was noted that if it is expected that the time for the hearing is likely to continue to the next day it is a statutory requirement that the hearing takes place on consecutive days.

In addition to the extra licensing meetings, Democratic Services have been asked to cover:

- (a) a new Cabinet House Building Committee, and

(b) a Portfolio Holder Advisory Group on the Waste contract.

There has been additional pressure from the Constitution Panel and it is likely that the OS Review Panel will not complete its review in the one remaining programmed meeting.

To cover the evening meetings in addition to the requirement of day time meetings a new post would be required (c. £21,000 including on costs full time) to provide support.

4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;

We noted that officers may be required to give evidence in two hearings for applications within one month. This would cause problems if the hearings took place on the same night.

It was reported to us that the committee rooms are also more likely to be booked in an evening. The Council chamber is more easily booked for the additional meetings.

5) That these new procedures be reviewed after 12 months of operation;

6) That the Constitution and Member Services Standing Panel be asked to carry out the review.

We recognise the need to review the procedures. One concern was that elderly people may not wish to travel in an evening. However, it was considered that this should be balanced against allowing people who are in work to attend.

NOTIFICATION OF PREMISES APPLICATIONS



There are varying requirements in the legislation for consulting with members of the public. We noted that the procedure usually followed is that a public notice is published in a local newspaper and a notice of a type prescribed by statute is displayed on or near the premises.

Members had concerns that the occupiers of neighbouring properties do not always see these notices and considered that applications should be specifically brought to their attention.

The panel considered whether the notices should be sent addressed individually to named residents as it would be possible to identify occupiers from various data bases held by the Council. However, we received advice that if has obtained information for one purpose the Council cannot legally use it for another purpose e.g. Council tax information cannot be used for licensing purposes. It was agreed that any notifications sent should be addressed to 'The Occupier'.

We were informed that the Senior Licensing Enforcement Officer had consulted with Westminster Council who similarly notifies occupiers of neighbouring properties and we understand that this is a very effective way of communicating knowledge of the application and, in Westminster; representations are received in respect of every application. There is also a high level of representations received.

We decided that:

- 1) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 2) The envelopes should state that “Important – Notice of Licensing Consultation”
- 3) That the draft sample letter informing the occupiers of the application which was considered by the Panel which is annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 4) An interim 6 month report be submitted to the full Licensing Committee.

FINANCIAL IMPLICATIONS

- 1) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 12.

Attendance at Sub-committee meetings

There are usually four officers who attend these meetings - the Committee Officer, Legal Advisor, the Licensing Enforcement Officer, and, the Senior Licensing Enforcement Officer. If the evening meetings finishes before 10pm the cost for officer's time will be £234.52 for an evening.

Last year there were 41 applications for premises licences but only 28 were referred to the sub-committee. It is likely that the specific notifications to neighbouring occupiers will lead to an increase in the number of hearings as well as the volume of representations received. If every application receives representations in the same way as Westminster, then there would have been 41 hearings the cost of officer's time in attendance would be £9,615.32.

The taxi licensing would continue during the day time and so these meetings would be additional to those currently attended by committee officers. The additional input from Democratic Services is recognised and a new post be created c. £21,000.

Notification of Consultations

There were 41 premises applications last year which would require notification in this way. It is intended that the Council's GIS officer would identify the properties within 150 metres of the premises concerned. He will prepare a spreadsheet that will be suitable for using with mail merge. His charges are £38.61 per hour. On average it will take about 30 minutes for an application.

The licensing officers will send the spreadsheet, a standard notification letter and a copy of the notice to Reprographics. Their charges below are based on 180 properties which would be the average in an urban area. Most applications are in an urban area.

Reprographics would print out the letters and be able to put them automatically in an envelope with the copy notice. Their costs would amount to:

Recharges from Reprographics	£1,435.00	
Envelopes with alert.	£ 217.30	
Postage	<u>£3,394.80</u>	
Total		£5,047.10

The Licensing officers will have to check the notices and input information onto their licensing software M3 to record that this has been done.

There is expected to be an increase in the numbers of telephone calls, correspondence and the need for mediation. This is work is time consuming but is an important part of the Licensing Enforcement Officer's work. Last year 28 cases went to the sub-committee out of a possible 41. Consultation suggests that representations and/or enquiries will be received in respect of all properties if notifications are sent out.

The increased workload will have to be carried out by one of the Licensing Enforcement Officers as they will have the knowledge to advise members of the public regarding the relevance of their objections and procedure at the meetings. They will also act as mediators in these types of cases. If there are 30 replies the following is the likely time taken.

- Preparing the draft letter, sending to Reprographics, checking and sending out the notification = 82 hours
- Acknowledgment sent to all respondents and saving original communication and acknowledgement on M3 (assumed 30 letters x 15 min x 41) = 307.5 hours
- Email replies to respondents – assumed required clarifications etc on 5 – 1 hour each =205 hours
- Telephone enquiries - 205 hours
- Sending out invite to sub-committee- to all making representations and responsible authorities = 307.5 hours
- The reports to sub-committee will have to make reference to all letters received and comment on whether the representations are legally correct - additional 1 ½ hours = 63 hours
- Redacting of documents – (30 letters x 15mins x 41) = 307.5 hours
- Entering all documents on M3 - saving and entering documents onto M3 = 41 hours

The total would be for routine applications 1518.5 hours. This would require another full time member of staff. However, this is an estimate of time. There are clearly likely to be cases where there will be many more representations and others where there will be very few or none. Until the notification process is introduced it will not be possible to estimate this and a temporary member of staff should be employed for one year and the workload reviewed after that time. The cost of this member of staff will be £22,317 pa.

Additional Costs

It will be necessary to add further accommodation to Licensing. It has not been possible to obtain specific costing but it is likely to be in the range of £5,000.

Draft Letter

A draft letter in respect of the Licensing Act Applications is attached as Appendix 2. If this is approved in this format a similar letter will be prepared for Gambling, Street Trading and Sex Establishments.



RESOURCE RECOMMENDATIONS.

We recommend that the following resources are made available each year to ensure that these initiatives can be introduced. The amount of additional work is unknown at present and these figures will be kept under review

Annual Costs:

Committee and Sub-committees

Officer's Time for evening attendance - £9,615.32

Notification of Application

GIS	791.30	
Reprographics	5,047.10	
Licensing Officer	<u>22,317.00</u>	
		28,155.40

Committee

Committee Officer	<u>21,000.00</u>
	£58,770.72

Additional costs

Accommodation Costs (First Year) - £5,000.

The Licensing Service must process many of the licences within statutory time limits or the licence is deemed to have been granted. There have been new statutory obligations under scrap metal licensing which have led to an increase in work as well as the introduction of changes in the charging regime for licensing fees and if taxi metering is introduced. The additional work will adversely affect other licensing work unless additional staffing resources are agreed to.

6. Conclusions

The Task and Finish Panel was set up to investigate whether there were ways in which Licensing Applications in respect of premises licences could be decided more locally and give the occupiers of neighbouring properties greater opportunities to participate in the hearings. Members who have work commitments during the daytime also wished to be involved in Licensing decisions.

We decided that the most appropriate way to do this was to hold evening meetings for applications which related to premises licences. This would allow members and those who wished to make personal representations at the hearings but who work during the day an opportunity to attend. To ensure that the occupiers of neighbouring properties were aware of the applications we further agreed to recommend that specific notifications be sent to occupiers of properties within 150 metres of the property.

The Panel considered that the applications relating to taxis should continue to be heard during the day.

We acknowledged that this would increase the number of hearings and that the implementing of these proposals will lead to additional costs. It is difficult to estimate at this stage the increase of work and this will be kept under review. It is recommended that the additional resources be approved so that the Panel's decisions can be implemented.

7. Members of the Panel

Councillors Mrs (P) Smith (Chairman), K Angold-Stephens, J Hart, R Morgan, J Philip. Mrs C Pond, D Stallan and Mrs S Watson

8. Acknowledgements

Consultations

- Members of the Public Law Partnership's Licensing Special Interest Group
- Members of the Solicitors in Local Government Group ;
- Local Government Association
- Licensing Manager fro Westminster City Council

Officers;

Rob Irwin – GIS Officer, Rob Purse – Systems Manager

Ann Hickman – Reprographics Assistant

Adrian Hendry Democratic Services Officer, Graham Lunnun – Assistant Director,

Ian Willett – Assistant to the Chief Executive

Kim Tuckey – Senior Licensing Enforcement Officer

Rosaline Ferreira – Assistant Solicitor

Alison Mitchell – Assistant Director (Legal)

Experts;

Websites; Local Government Association

Laws;

Licensing Act 2003 as amended, The Licensing Act 2003 (Hearings) Regulations 2005

The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007

Gambling Act 2005

The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees)(Premises Licences and Provisional Statement)(England and Wales) Regulations 2007.

Local Government (Miscellaneous Provisions) Act 1982

Local Government and Housing Act 1989

Town and Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Human Rights Act – Article 6 - right to a fair hearing

Background papers:

Agenda and Minutes of the Task and Finish Panel

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Council policies etc.

Current list of delegations and the Council's Constitutio

**Request by Member for Scrutiny Review
2012/13 Work Programme**



Please complete the form below to request consideration of your issue by the Overview and Scrutiny Committee

Proposers Name: James Hart	Date of Request 17.8.12
Supporting Councillors (if any): Sylvia Watson	
Summary of Issue you wish to be scrutinised: I would like to propose that the ONS committee set up a task and finish panel to look into restructuring the running of the council's licensing committee on a trial basis for the 2013/14 council year. Specifically, the proposal is to consider licensing applications in a very similar way to the way in which planning applications are decided by the council:- <ol style="list-style-type: none"> 1) Move the meetings to the evening so that councillors with full time jobs can join the committee. 2) Create south, east and west licensing sub-committees so that local councillors with essential local knowledge can decide the cases. 3) In cases involving nightclubs, pubs or shops applying for changes to the hours in which they are licensed to sell alcohol, the relevant town, district and county councillors, and the nearest 50 residential properties to the application premises, should be informed by letter to make them aware that an application has been submitted. 	
NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION	
Public Interest Justification: The current system is far from satisfactory given the size and diversity of the district. Under the current system it is not unusual for councillors drawn from the rural north of the district to be called upon to decide upon licencing applications that have a very big impact upon the lives of residents living in towns such as Loughton or Buckhurst Hill. The councillors deciding these cases may never even have visited Loughton or Buckhurst Hill late on a Friday or Saturday night and therefore lack the essential local knowledge to decide these cases. Many of the council's 58 councillors have full-time jobs and their working commitments prevent them from joining committees, like the licensing committee, that meet during working hours. The licensing of nightclubs and pubs, and the knock-on effect on our high streets on Friday and Saturday nights, is too big an issue to effectively dis-enfranchise working age councillors from attending these meetings and representing their ward members when these cases are decided by the council. The vast majority of local residents don't even know that a local nightclub or pub has submitted an application for extensions to their licensing hours until they read about the decision of the licensing committee in the local press. Many residents feel	

APPENDIX 2 – Draft Consultation letter for premises licensed under the Licensing Act 2003

Our Ref:

Name

Date:
If Telephoning please ask for:
(01992)

Dear Occupier,

NOTIFICATION OF CONSULTATION – AN APPLICATION IN RESPECT OF PREMISES LICENCES WHICH MAY AFFECT YOU

GUIDE TO MAKING REPRESENTATIONS UNDER THE LICENSING ACT 2003

Epping Forest District Council is undertaking a public consultation details of which are set out in the notice enclosed. The consultation involves advertising in the local newspaper, site notices and advertisement on the Council's website. We encourage members of the public and local businesses to be involved in the licensing process and so we are notifying occupiers of nearby properties of this consultation.

This letter explains how you can make representations either for or against the application and how you can take part in any meeting where you have submitted a written representation.

WHAT CAN I SAY?

The Act limits the grounds upon which you may make a representation in respect of an application. These are:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

You should state which of the above grounds you are making a representation on, the reasons for each representation and send any evidence you may have. **Please do not include representations on any other issues such as planning, as the Authority is prohibited by statute from taking these into account.**

It is important that your written representation makes the points which you wish to raise as the Council cannot hear new issues at the hearing.

Please note that if you submit a representation the Authority will inform the Applicant of your name and address. If you have concerns about this you must let the Senior Licensing Officer know your reasons for not disclosing your details or withdraw any representation.

DEADLINE FOR MAKING A REPRESENTATION

The closing date for submitting a representation is shown on the attached notice.

ATTENDING THE MEETING OF THE SUB-COMMITTEE

If you make a representation you will be informed of the date of the hearing. A copy of the agenda of the Licensing Sub-Committee will be placed on the Council's website.

If you have submitted a written representation you will be allowed to have your say about the representation. However, if you have not made any representation in writing or it has been received after the closing date mentioned on the attached notice the Authority cannot hear your representation.

If the representations are valid, i.e. relate to one of the four licensing objectives you may explain the issues to the sub-committee but not introduce new representations.

It is a good idea to arrive a few minutes earlier to collect papers and speak to the Licensing Officers who can answer any questions you may have.

If there are a number of people raising the same issues you are encouraged to appoint a spokesman. The members of the sub-committee will have read all the representations prior to the meeting and it is only necessary to clarify issues or reply to issues raised during the hearing.

SUB-COMMITTEE

The sub-committee consists of three District Councillors.

WHAT HAPPENS AT THE SUB-COMMITTEE

- Firstly, the Chairman of the sub-committee will introduce the application and explain the procedure
- Then the applicant or their representative will present their application. The sub-committee members will then ask questions and those who have made written representations will be invited to ask questions.
- Those who have submitted written representations will then have an opportunity to put their case. The members of the sub-committee and the applicant or their representative can then ask questions. Those who made written representations will then be asked to sum up to clarify any issues that have been raised.
- The applicant will then be asked to sum up again clarifying any points raised.
- Following the speeches, the items will be discussed by the Councillors who are the members of the sub-committee.

SUGGESTIONS ON HOW TO SPEAK

- If you have the right to speak please keep your comments to the points raised in your written representations.
- If you are one of a number of people who made similar representations you should consider appointing a representative to speak on behalf of the group.
- You can ask a person to represent you at a sub-committee but if you do not attend you must write a letter authorising them to speak on your behalf unless they are an Epping Forest District Councillor.
- However strongly you may feel about an issue, keep in mind the need to be polite and to respect the views of others. Avoid personal insults.

HOW MATTERS ARE DECIDED

All items are decided by a simple majority by the members of the sub-committee after the end of the discussion on each item. The decision is usually announced at that time.

The address to send any representation or to make enquiries is:

The Licensing Team,
Epping Forest District Council,
Civic Offices,
High Street,
Epping,
Essex CM16 4BZ

Or email

Yours faithfully,

K Tuckey,

Senior Licensing Officer

