

# Committee Agenda



**Epping Forest  
District Council**

## **Licensing Committee Wednesday, 16th April, 2008**

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 2.00 pm

**Democratic Services Officer** Adrian Hendry (Research and Democratic Services)  
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

### **Members:**

Councillors M Woollard (Chairman), Mrs P Smith (Vice-Chairman), K Chana, M Cohen, R D'Souza, Mrs R Gadsby, Ms J Hedges, Mrs M McEwen, R Morgan, T Richardson, Mrs P K Rush and J Wyatt

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<p><b>PLEASE NOTE THE START TIME OF THE MEETING</b></p>
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### **1. APOLOGIES FOR ABSENCE**

### **2. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

### **3. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

### **4. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 10)**

To confirm the minutes of the Licensing Committee meeting held on 10 October 2007.

**5. MINUTES OF THE LICENSING SUB-COMMITTEES**

Copies of the minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

**6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003**

Under the Licensing Act 2003, officers are required to report on the numbers of applications received and the determinations of those applications. The following table outlines the applications received for the period up to 31 March 2008.

**(a) Premises Licence Applications/Variations**

Number of new applications	8
Number of renewals	7
Change of Designated Premises Supervisor	38
Number of applications for variation	10
Number of applications granted under delegated authority	14
Number of applications considered by the Sub-Committee	5
Number of applications granted subject to conditions	4
Number of applications refused	1
Number of appeals to Magistrates	0
Temporary Event Notices	37
Reviews	1

**(b) Personal Licence Applications**

Number of applications received	37
Number of applications granted under delegated authority	37
Number of applications refused	0
Number of appeals to Magistrates	0

**(c) Gambling Act 2005**

3 Betting Office applications granted, 1 Club gaming permit granted, 8 notifications for 2 machines.

**(d) Other Applications Considered**

1 Street trading application – withdrawn.

**7. TO REVIEW THE ORGANISATION AND RUNNING OF THE LICENSING SUB-COMMITTEES SO FAR AND IDENTIFY ANY MATTERS OF CONCERN ARISING**

Members are asked to review the proceedings of the Licensing Sub-Committee meetings held so far and identify any problems of procedure, policy and housekeeping that have adversely affected the running of the meetings.

**8. REVIEW OF THE LICENSING FUNCTION**

Following the transfer of Licensing to Corporate Support Services the review of Licensing will be planned and reported to the next Committee.

**9. LICENSING POLICY REVIEW**

For the Committee to note that the triennial review of the Policy was undertaken and the updated policy was adopted by the Cabinet on 4 February 2008.

**10. LOUGHTON TOWN COUNCIL (Pages 11 - 14)**

Following the sub-committee meeting of the 7<sup>th</sup> February a letter was received from Louise Fuller, the Clerk to Loughton Town Council. Louise offered some observations on the sub-committee process which Members may find useful. Her letter together with subsequent email correspondence are attached.

**11. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

Members training will take place on 1 July 2008.

**12. DATE OF NEXT MEETING**

The next meeting of the Licensing Committee has been scheduled for 15 October 2008 at 2.00pm in the Council Chamber.

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- (v) 5 July 2007;
- (vi) 2 August 2007; and
- (vii) 6 September 2007.

## **5. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003**

The Environmental Health Manager reported that in respect of Premises License Applications or Variations, there had been 2 new applications, 360 renewals, 49 Change of Designated Premises Supervisor applications, and 5 applications for variation received. Of these, 14 applications were granted under delegated authority, whilst 5 were considered by Sub-Committee and granted subject to conditions. A single application had been refused but there had not yet been an appeal to the Magistrate's Court. In addition, 145 Temporary Event Notices had also been granted, and 43 Personal Licence applications had been received and granted under delegated authority.

The Environmental Health Manager advised the Committee that, whilst the alleged problems at the recent polo match held at Gaynes Park had been reported in the Crime and Disorder Reduction Partnership Bulletin, the Environment and Street Scene Directorate had received nothing for consideration. The Committee were informed that there might be some noise pollution issues to investigate and the Environmental Health Manager undertook to liaise with the Safer Communities Coordinator accordingly. The Council had received no feedback as to why the refused application had not appealed to the Magistrates Court as expected. The Committee were informed that currently complainants of the Council's Licensing function received a survey card to complete and return. The Committee felt that this facility should be extended to all applicants.

### **RESOLVED:**

- (1) That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2003 be noted; and
- (2) That the Licensing User Satisfaction Survey card, currently only given to complainants, be extended to all applicants for the Council's Licensing Function.

## **6. APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005**

The Environmental Health Manager reported upon the applications received under the Gambling Act 2005. The Committee were informed that 23 applications had been received in the period up to 25 September 2007, but only 13 of these applications had been granted. The Council had not been satisfied that the 10 premises whose applications had been rejected had received the necessary clearance from the Gambling Commission. It was anticipated that, in respect of the fees charged, the service would break even by the end of the year. The Committee were also reminded that, when considering an application under the Gambling Act 2005, the number of other betting premises in the immediate vicinity should not be taken into account.

**RESOLVED:**

That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2005 be noted.

**7. MISCELLANEOUS LICENSING APPLICATIONS RECEIVED**

The Environmental Health Manager reported upon the miscellaneous Licensing applications that had been received in the period up to 30 September 2007. Two applications were granted: for a sex shop at North Weald; and four gaming machines at the Last Post Public House in Loughton. An application for a Street Trader's Licence at Rebel's Diner in Waltham Abbey had been revoked. The Committee were advised that initially the Council had been informed that the applicant intended to seek a judicial review of the decision, and legal advice had been that the applicant should be allowed to continue to trade until the review had been completed, in order to minimise costs. However, the Council had been recently informed that the applicant would not now seek a judicial review; a letter had been sent to the applicant to cease trading and the Council would prosecute the applicant if trading continued.

**RESOLVED:**

That the report to the Licensing Committee regarding the miscellaneous Licensing applications received be noted.

**8. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES**

The Vice-Chairman commented that, following the last review when meetings of the Licensing Sub-Committee had been moved from the Committee Rooms to the Council Chamber, the meetings had worked better. The Environmental Health Manager felt that it was better for the Sub-Committee to leave the Council Chamber for their deliberations, rather than the participants.

The Committee considered whether the same Sub-Committee, or at least the same Chairman, should be allocated for meetings where there was a further application from the same applicant or premises, in order to provide some continuity. The Committee were reminded that each case should be judged on its merits, and the applicant might possibly feel that the Council was being biased against the application if the same Councillors or Chairman were sitting on the subsequent Sub-Committee.

**RESOLVED:**

That the current rota system, which had been in operation since the inauguration of Licensing Sub-Committees, be retained.

**9. REVIEW OF THE COUNCIL'S LICENSING FUNCTION**

The Environmental Health Manager reported that the review of the Council's Licensing function had been temporarily suspended as a result of the current top management restructure. In future, the two different aspects of Licensing would be in different Directorates: the aspect that dealt with applications and the Licensing Sub-Committees would be in the Corporate Support Services Directorate; whilst the enforcement aspect would remain in the Environment and Street Scene Directorate. As a result of the top management restructure, the Environmental Health Manager confirmed that this would be the last meeting of the Licensing Committee that he would attend.

**10. REVIEW OF LICENSING POLICY**

The Environmental Health Manager reported that the triennial review of the Council's Licensing Policy was in progress. The Policy was currently being subjected to a wide-ranging consultation, but no comments had yet been received. The reviewed Policy was scheduled to be agreed by the Cabinet at its meeting on 4 February 2007. The Committee were reminded that, as the Cabinet would formally agree the reviewed Policy, the Licensing Committee were statutory consultees.

**11. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

The Environmental Health Manager advised the Committee that there was no further training considered necessary for the members tasked with discharging the Council's Licensing Function, over and above that which had been organised.

The Committee requested that the Divisional Licensing Officer from Essex Police be asked to give a seminar on their approach to Licensing Act 2003 applications, as the Police seemed to make infrequent representations to such applications. The Environmental Health Officer advised that the Police would normally make representations in relation to crime and disorder concerns for Licensing Act 2003 applications, but suggested that the Divisional Licensing officer be invited to the next meeting of the Committee in April 2008. The Committee also felt that the Safer Communities Coordinator and Anti-Social Behaviour Coordinator should be asked to urge Essex Police to make more representations at future meetings of the Crime and Disorder Reduction Partnership.

**RESOLVED:**

(1) That the Divisional Licensing Officer from Essex Police be invited to the next meeting of the Licensing Committee to give a seminar on the approach by Essex police to Licensing Act 2003 applications; and

(2) That the Safer Communities Coordinator and Anti-Social Behaviour Coordinator at future meetings of the Crime and Disorder Reduction Partnership be requested to encourage Essex Police to make more representations in respect of Licensing Act 2003 applications.

**12. MATTERS ARISING**

The Environmental Health Manager confirmed for the benefit of the Committee that any planning matters in respect of a Licensing application should be dealt with by the relevant Area Planning Sub-Committee not the Licensing Sub-Committee. Councillor Mrs R Gadsby stated that she might have to consider her position in relation to any applications that were being represented by her husband's firm, Foskett Marr Gadsby & Head.

As this was the Environmental Health Manager's last meeting, following the top management restructure, the Chairman thanked the officer for his hard work over the years in the discharge of the Council's Licensing function, and in particular highlighted the debt of gratitude owed by the Committee for the successful implementation of the Licensing Acts 2003 and 2005.



**13. DATE OF NEXT MEETING**

The Committee noted that the next meeting had been scheduled for 16 April 2008 at 2.00pm in the Council Chamber.

**CHAIRMAN**

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# Agenda Item 10

Our ref: E.7.1/LRF

Jim Nolan  
Environmental Health  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex CM16 4BZ

14<sup>th</sup> February 2008

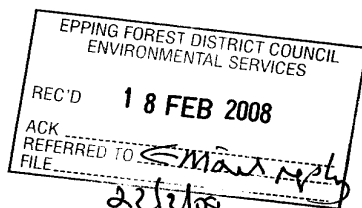
Dear Jim

Following our experience at the Licensing Sub-Committee last week, I hope you won't mind if I offer a couple of observations which might be helpful. I think sometimes we get so used to being at meetings etc that we forget what it is like to be on the other side of the fence, as it were. It was certainly a very salutary experience for me.

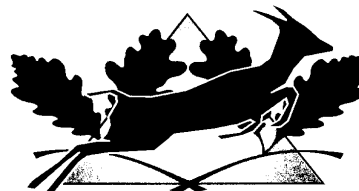
It would be very helpful for applicants and objectors who are going to attend the meeting to have an advance copy of the procedure which will be followed. In fact we had asked what would happen at the meeting but what we were told was different to what actually happened. An advance look at the procedure would have helped us prepare better. It would make it easier for the chairman to control the meeting if the people attending had the procedure in front of them, as they would be able to follow it and he/she would be able to point out clearly when they were straying from it. A set procedure is obviously essential for these hearings when objectors' feelings often run high and a method of structuring the meeting is required, but it is quite a complicated procedure so it is difficult to remember it when you have only had a verbal outline. In fact the procedure is very similar to that followed in disciplinary and grievance hearings, with which I am familiar from a previous life, so I understood it fairly easily, but it must be hard for someone to whom it is completely novel.

The difficulty which arose out of people being told different times to attend was unfortunate as it led to a situation which was really irresolvable in a way that everyone would be satisfied. Kim said to us afterwards that in future everyone would be told the start time of the meeting and would then have to just sit and wait their turn. Whilst this is less than ideal for applicants and objectors, I think it is the safest way to ensure the situation we faced does not arise again.

I wonder if it would be possible to consider an alternative venue for the meeting. I know that sometimes you have a lot of objectors and require a large space, but this must be the exception rather than the rule. The Council Chamber can be very daunting to someone who is not used to it. The physical sensation of being in the well of the chamber while the panel sat in judgement above us on the dais was quite intimidating. From our position, it was also impossible to see the names and faces of the people to the left of the chairman, which was not ideal, and I assume the objectors felt likewise about the people to the right of the chairman.



Kim P/F  
J



**LOUGHTON**  
TOWN COUNCIL

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**Q**  
QUALITY  
TOWN  
COUNCIL

The physical set-up made it hard to hear the participants. I found myself trying to send my voice up to the panel, which meant that the objectors opposite could not hear properly. I also found it hard to hear the chairman and the people to his left.

Maybe a committee room would be a better venue and might help the business proceed more smoothly.

I hope you will not take my comments as criticism, they are just the thoughts of someone who found herself in an unusual situation and had some ideas which might help.

Yours sincerely

A handwritten signature in cursive script that reads "Louise Fuller". The signature is written in black ink and is positioned above the typed name.

Louise R Fuller  
Town Clerk

**Jim Nolan - Licensing sub-committee**

**From:** Jim Nolan  
**To:** louise.fuller@loughton-tc.gov.uk  
**Date:** 22/02/2008 10:02  
**Subject:** Licensing sub-committee

Dear Louise,  
thank you for your letter of the 14th February. A number of the points you have raised have been previously discussed by Members in particular the use of the Council Chamber. Members at that time felt that it was the appropriate place for the meetings.

The procedure for the conduct of meetings is always attached to the agenda, however, because each sub- committee has a different Chair, they tend to bring their own style to the proceedings.

Having said this there is a meeting of the full committee on 18th April and with your permission I propose to include your letter as an agenda item.

regards,  
Jim Nolan  
Assistant Director  
(Environment and Street Scene)

**Jim Nolan - RE: Licensing sub-committee**

**From:** "Louise Fuller" <Louise.Fuller@loughton-tc.gov.uk>  
**To:** "Jim Nolan" <jnolan@eppingforestdc.gov.uk>  
**Date:** 26/02/2008 14:04  
**Subject:** RE: Licensing sub-committee

Dear Jim

Yes, I am happy for you to report my letter to the next meeting of the full committee.

I hadn't realised the procedure was attached to the agenda, should have delved a bit deeper.

Regards.

Louise

Louise R Fuller  
Town Clerk  
louise.fuller@loughton-tc.gov.uk

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