

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Wednesday, 14 April 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 3.40 pm

Members Present: Mrs P Brooks (Chairman), Mrs P Richardson (Vice-Chairman), K Angold-Stephens, M Cohen, D Dodeja, Mrs R Gadsby, Ms J Hedges, A Lion, R Morgan, Mrs P Smith and J Wyatt

Other Councillors:

Apologies: A Boyce, K Chana, Mrs S Clapp and Mrs M McEwen

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor) and A Hendry (Democratic Services Officer)

14. Declarations of Interest

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

15. Any Other Business

It was noted that there was no urgent business for consideration by the Committee.

16. Minutes of the Licensing Committee

RESOLVED:

That the minutes of the meeting held on 14 October 2009 be taken as read and signed by the Chairman as a correct record.

17. Minutes of the Licensing Sub-Committees

RESOLVED:

That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairman as a correct record:

- (i) 07 October 2009;
- (ii) 21 October 2009;
- (iii) 05 November 2009;
- (iv) 09 November 2009;
- (v) 03 December 2009;
- (vi) 09 December 2009;
- (vii) 18 February 2010;
- (viii) 04 March 2010; and
- (ix) 01 April 2010.

18. Applications Received under the Licensing Act 2003

The Committee noted the numbers of applications received and the determinations of those applications from 23 September 2009 to 01 March 2010.

19. Applications Received under the Gambling Act 2005

The Committee noted the number of applications received under the Gambling Act 2005 from 23 September 2009 to 01 March 2010.

20. Miscellaneous Licensing Applications Received

The Committee noted the number of miscellaneous licensing applications received to date.

21. Licensing of Sex Entertainment Venues

The Assistant Director (Legal), Alison Mitchell introduced the report on the licensing of sex entertainment venues. The meeting noted that the Policing and Crime Act 2010 had amended the 1982 Act to allow the Authority to license sexual entertainment venues where relevant entertainment was provided before a live audience for financial gain of the organiser or entertainer. The adoption of this amendment would enable the Council to impose conditions on the licensing of venues providing sexual entertainment in the District. The Act sets out mandatory reasons to object to a Licence. There are:

- The applicant is under eighteen years old;
- The applicant has previously had a Licence revoked;
- The applicant is not resident in the UK; or
- Has previously been refused a Licence at those premises.

At present the Council does not have a policy in relation to the licensing of sex shops and cinemas and so it was proposed to prepare a draft policy which would cover sex shops, cinemas and sex establishments, carry out consultations and would ask for approval by this Committee at its next meeting.

Councillor Mrs Richardson asked if it covered kiss-o-grams on commercial premises and was told that it did not.

Councillor Mrs Gadsby asked if this policy would help the Sub-committees if they wanted to refuse an application. Alison Mitchell said yes, as they could then take locality into consideration.

Councillor Cohen commented that it would seem if we waited for a draft policy document there would be a gap between now and the next meeting; what if there was an application in the mean time. He proposed that the Committee adopted this now on the provision that the policy would come back to this Committee at its next meeting. Councillor Mrs Gadsby seconded this proposal. Mrs Mitchell said that officers needed time to set up the policy as required by law. Councillor Cohen then proposed that the starting date be set as 1st July 2010, giving time for the officers to carry out any preliminary work that they needed to do. Councillor Mrs Gadsby again seconded this proposal. This was put to the meeting and agreed.

RESOLVED:

(1) That the Committee adopts the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 made by Section 27 of the Policing and Crime Act 2009 to licence sexual entertainment venues as from 1st July 2010.

(2) That officers prepare a draft policy for consultation regarding the regulation of such establishments and report back to the next committee meeting.

22. Taxi Knowledge Test

The Licensing Committee were updated on the introduction of a taxi knowledge test for new applicants for a Hackney carriage and Public Hire Drivers Licence. The software package had been purchased with funding from Essex County Council through the Taxi Quality Partnership and a number of questions had been prepared by the Senior Licensing Officer and a temporary member of staff will be employed to administer the tests until the Cabinet decides whether to approve the employment of a part time member of staff to undertake this work.

Councillor Angold-Stephens asked if there was a pass or fail mark. He was told that the test was broken down into categories such as knowledge of area, council conditions, the Highway Code, motorway rules and bye laws. They have to get a certain pass mark in each section. Officers still had to test the system using 'guinea pigs' and amend where necessary.

Councillor Cohen asked if they used the same questions every time; was there some variety; and would they take the knowledge test before or after they saw the Licensing Sub-committee. He was told that it was the same procedure as before, if they have to go to the sub-committee they would go there first. It could be arranged that they see the Sub-committee after they have taken the test. This was agreed by the Committee.

AGREED: that any applicant would take the 'Taxi Knowledge Test' before they were referred to the Licensing Sub-Committee (if necessary).

Councillor Mrs Smith said she would like to volunteer to do the test, so did Councillors Cohen and Gadsby.

Councillor Cohen said it was worthwhile to have Councillors from each of the main geographical areas test it. Mrs Tuckey said she would send the Councillors a pack so that they could see and comment on the test.

Councillor Mrs Smith asked if the applicant would sit the test in this building. Also would an applicant be allowed an interpreter if needed. She was told that they would take the test in the IT suite. They are asked if they have any special needs, such as if they are dyslexic and arrange for a member of staff to sit with them.

Mrs Tuckey said the questions were multiple choice, with no two sets of questions being the same. Mobile phones had to be handed in before the test. The system would give you the pass mark and let them know where they went wrong.

Councillor Mrs Richardson asked if they needed an interpreter for the test would they need an interpreter for their daily work. Mrs Tuckey responded that the Act stated that they must have a reasonable grasp of the English language. They were only planning to have someone to read questions but not an interpreter.

Councillor Mrs Gadsby asked if this would give the sub-committee more leverage to reject an applicant or would it help them. Councillor Cohen said this was the right way round to do this as it needed serious reasons to reject them.

Councillor Mrs Smith remarked that a lot of work had gone into putting this system together. The report mentioned resourcing this and rolling out the programme. How much was dependent on how much officers were asking Cabinet for. Alison Mitchell agreed that a lot of work had gone into it; the intention was for this to be self-financing eventually. Officers would monitor the costs, but it would need a dedicated officer to look after the programme. At present they are working out how much it would cost and are in discussions with Finance. At present there is an agency member of staff, who is more expensive than a recruited staff member.

They were also looking to install a DVD on disability for applicants and looking to increase taxi driver's knowledge skills.

RESOLVED:

That the progress made on the knowledge test for taxi drivers be noted.

23. Statement of Licensing Policy

The Assistant Director (Legal), Alison Mitchell introduced the updated licensing policy as required to do so by the Licensing Act 2003 every three years. The updated statement of licensing policy was attached to the agenda. This was amended to include new headings, the paragraphs numbered and references to policies updated along with other minor changes as required by guidance.

DCMS guidance requires that the Licensing Policy must describe how the Local Authority would promote the four licensing objectives; the policy must also describe the consultation undertaken and the various strategies and policies the Council would have regard to when deciding on policies and any decisions relating to licensing. The Council must also include mention of its policy relating to music and entertainment, which has not altered from the previous policy.

The Committee noted that until recently, the persons who were entitled to make representations when a licence was applied for were either the Responsible Authorities or local residents or businesses. This was recently changed to allow members to have this right in respect of the ward of the Council for which they had been elected. The Policy had been amended to reflect this.

Councillor Mrs Smith said it was good to include guidance to the public. Should not a "Frequently Asked Questions" section be added as well. Alison Mitchell said that there may be more information that could be put up on our website, there was also a guidance note that could be put up. Officers could also place an item in 'The Forester' telling residents how they could make a representation to the Council.

Councillor Mrs Smith asked as we were consulting with outside organisations could the results of this consultation be reported back to the next meeting of this Committee.

AGREED: the results of the consultation be reported back to the next meeting of the full Licensing Committee.

Councillor Mrs Brooks commented that now that Councillors have the right to make representations, could this be clarified as to what a Councillors role was and the rights they have.

AGREED: that Councillors are made aware of and have the rules clarified as to what role and rights they have in respect to the new rights of Councillor representation at Licensing Sub-committee meetings.

RESOLVED:

- (1) That the statutory requirement for the Licensing Authority to review its licensing policy be noted; and
- (2) The undertaking of a consultation on the draft policy be agreed.

24. EU Services Directive

Alison Mitchell updated the Committee on the work done on the EU Services Directive by making it easier to offer services anywhere in the EU. Authorities are therefore required to permit electronic/on-line applications and payment of associated fees and licences or permits within the scope of the Directives. The implementation of this initiative involved officers from IT, Finance, the Website Officer, the Performance Improvement officer, the Senior Licensing Officer and the Assistant Head (Legal) working closely to achieve this. It was noted that no electronic applications have yet been received and that no other Council has gone as far as we have.

Councillor Mrs Smith noted that very few authorities were on target to go online. She had tried to find the forms online, but it did take a long time to find on EFDC's website. This was not good enough, the public needed to know that Licensing sat in the Directorate of Environmental Services. There was need to tidy up how the Licensing Forms appears on the website. The website does have a list of forms that it contains; however, licensing forms were not on this list. Customers get a good personal service at the Civic Offices but the Council has a bad web presence. Licensing was very important to the Public. Alison Mitchell said she would push to have this improved.

RESOLVED:

The Committee noted that the Licensing permits, other than those associated with taxis, were now available online.

25. Review of Licensing Sub-Committee Procedures

Councillor Wyatt asked that some papers for taxi drivers, such as a copy of their driving licence, are distributed to the members of the sub-committee in a timely fashion and not at the meeting itself.

Councillor Mrs Smith said it was not best practice to distribute these papers outside the meeting and suggested that extra time was built in to enable the sub-committee to study the papers. Councillor Cohen said he would like to see these papers before the meeting starts in the member's room so that they can be studied before the meeting and would not need to leave the building. Councillor Mrs Smith said this was an excellent suggestion and suggested that a formal briefing could be arranged between 10 and 10.30am, with the Sub-committee starting at 10.30am.

RESOLVED:

That all Sub-Committee meetings are to start at 10.30am with a formal briefing starting at 10am for members so that they could review the paperwork.

26. Review of Current and Future Training Needs for the Committee

No new training needs were identified, except for any training for new Licensing Committee members appointed in the new municipal year.

27. Matters Arising

Councillor Mrs Smith noted that in a report to the Council, the Remuneration Panel expressed disappointment regarding the chairmanship of the Licensing Sub-committees. They acknowledged the way chairmen were elected for the Sub-committee meetings, but if the chairmen were agreed at full Council, they would get some form of remuneration.

Councillor Cohen suggested that at the beginning of the year Annual Council could appoint 5 or 6 members to act as chairmen at the Sub-committee meetings.

Councillor Mrs Brooks pointed out that that if a there was a difficult case, an experienced member of the Licensing Committee should Chair that meeting. Councillor Lion sad that there also needed to be a facility for non chairman to have a go at chairing a meeting; also, at times, there may be a need to be a change chairman half way through a meeting.

Councillor Mrs Smith asked if there was facility for this committee to appoint the Sub-committee chairmen. However, it was pointed out, that the next meeting of the Full Licensing Committee was not until October when it would be too late. Councillor Mrs Smith asked if would be possible rearrange the meetings to take place in May and November.

After further debate, the Committee agreed that the annual Full Council meeting be asked to appoint six licensing Committee members to act as Chairmen of the Sub-committee meetings.

RESOLVED:

That the Annual Council meeting be asked to appoint six members of the Licensing Committee to act as chairmen on the sub-committee meetings.

28. Date of Next Meeting

The Committee noted that the next meeting had been scheduled for 13 October 2010 at 2.00pm in the Council Chamber.

CHAIRMAN