

Scrutiny Task and Finish Panel Agenda



Review of Licensing Services Task and Finish Panel Tuesday, 23rd October, 2012

You are invited to attend the next meeting of **Review of Licensing Services Task and Finish Panel**, which will be held at:

**Committee Room 2, Civic Offices, High Street, Epping
on Tuesday, 23rd October, 2012
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry, Office of the Chief Executive
email: ahendry@eppingforestdc.gov.uk Tele: 01992 564246

Members:

Councillors Mrs P Smith, K Angold-Stephens, J Hart, R Morgan, J Philip, D Stallan and Ms S Watson

THE DEADLINE FOR THE SUBMISSION OF SUBSTITUTES TO THIS MEETING IS
18:00 HOURS

- 1. APOLOGIES FOR ABSENCE**
- 2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.
- 3. DECLARATIONS OF INTEREST**

(Chief Executive) To declare interests in any item on the agenda.
- 4. SCOPING AND TERMS OF REFERENCE (Pages 3 - 18)**

(Chairman/Lead Officer) To consider the attached report.
- 5. FUTURE MEETINGS**

To agree a date for the next meeting of this Panel.

Review of Licensing Services Task and Finish Panel

Date of meeting: 23 October 2012

Portfolio: Safer, Greener and Highways



Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry

Recommendation/Decisions Required:

- (1) That consideration is given to the scope and the Terms of Reference for this review, the reporting deadline, and how it is to be conducted; and
- (2) That the Terms of Reference for this Task and Finish Panel be agreed and submitted to the 27 November 2012 meeting of the Overview and Scrutiny Committee.

Report:

Background

1. At the meeting of the Overview and Scrutiny Committee on 4th September 2012, Councillors J Hart and Mrs S Watson submitted a request that the Committee set up a Task and Finish Panel to review the Licensing Sub-committees. A copy of the request is attached.
2. Subsequent to the setting up of this Panel by the O&S Committee the following Councillors have nominated themselves to sit on the Panel: Councillors P Smith (Chairman), K Angold-Stephens, James Hart, R Morgan, J Philip, D Stallan and S Watson.

Scope of the Panel

3. The request (attached) and the subsequent debate by members raised a number of issues which the Committee members considered should be included in the scope of the Task and Finish Panel. These are set out below

The Request:

- Move the meetings to the evenings so that Councillors with full-time jobs could join the Committee.
- Create South, East and West Licensing Sub-committees, so local councillors with local knowledge could decide the cases; and
- 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 properties (residential and business) to the application premises should be informed by letter to make them aware that an application had been submitted.

4. Matters raised by the Overview and Scrutiny Committee during the debate:
- How are residents in the locality made aware of licensing applications?
 - Training of members of the Committee and training for other members;
 - Should all licensing matters be heard in the evenings or only the premises licences' applications?
 - The location of the meetings and cost for the hiring of the hall;
 - Potential costs for the overrun of these meetings;
 - Costs of Officers time for evening meetings; and
 - Potential costs to the applicant.
5. Members are asked to consider the Terms of Reference (draft attached) taking account of those matters listed above and any other matters that they consider should be included.

Information required by the Members

6. At the Overview and Scrutiny Committee members indicated the information which they would require to assist in this review:
- How do other neighbouring Councils conduct the licensing sub-committees?
 - Which other Councils hold evening meetings and consult them;
 - A wider consultation should be undertaken with Parish and Town Councils and other groups who are likely to be affected by this proposal;
 - Proposals for the geographic areas covered by the sub-committees;
 - Information as to the make up of types of cases heard by and the length of meeting of the sub-committees over the last year;
 - Taking account of the type of cases last year what would be the likely number of evening meetings (and daytime) meetings which would be held each month; and
 - To calculate the additional costs of evening meetings.
7. Members are asked to identify whether they require officers to research those matters listed above and any other information they require.

Timetable

8. Members are requested to consider a timetable for the conduct of this review bearing in mind that a bid for further funds would have to be made at the appropriate budget setting round for officer's time and potential costs for hall hire.

Guidance

9. In order to assist the Panel, a set of 'Notes for Guidance' for the operating of a Task and Finish Panel is attached. This sets out how a Task and Finish Panel should ideally go about scoping its programme of work, gathering information and evidence. The note also suggests how final reporting back to the main Overview and Scrutiny Committee and the larger Council is undertaken. A draft layout for a final report is also attached as a useful practical example of what the Panel are required to produce.

Reason for decision:

Decision of Overview and Scrutiny Committee to set up the Task and Finish Panel

Options considered and rejected:

Not to set up the Task and Finish Panel. This would not comply with the decision of

Overview and Scrutiny

Consultation undertaken:

The Task and Finish Panel may direct that a consultation exercise is undertaken

Resource implications:

This will depend upon the outcome of the report

Budget provision: This will depend upon the outcome of the report

Personnel: This will depend upon the outcome of the report

Land: None

Community Plan/BVPP reference:

Relevant statutory powers:

Background papers:

Licensing Act 2003 as amended and other relevant licensing legislation,

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

Key Decision reference: (if required) No

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**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	

passionately about this issue and feel powerless to influence the outcome of cases. Evening meetings would enfranchise working age residents as well as working age councillors.

Impact on the social, economic and environmental well-being of the area:

Council Performance in this area (if known: Red, Amber, Green):

Keep in Context (are other reviews taking place in this area?)

Office Use:

Pick score:

Considered By OSCC:

Origin:

At the meeting of the Overview and Scrutiny Committee on 4th September 2012, Councillors J Hart and Mrs S Watson submitted a request that the committee set up a task and finish panel to review the Licensing sub-committees.

They expressed concerns that the current system was unsatisfactory given the size and diversity of the district. It was not unusual for Councillors from the rural areas to be called upon to decide upon licensing applications in the urban areas in the south of the district.

Many Councillors have full-time jobs and their working commitments' prevents them from joining day-time committees. This effectively dis-enfranchises working age Councillors from attending these meetings.

They would like Licensing applications to be considered in a similar way to Planning application, running the new system for a year's trial period.

Draft Terms of Reference:

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 the meetings to the evening.
4. To review the feasibility of creating South, East and West Licensing Sub-Committee structures to enable local councillors to have more input.
5. To review, in cases involving nightclubs, pubs or shops applying for changes to the hours in which they are licensed to sell alcohol and if the relevant town, district and county councillors, and the nearest 50 properties (residential and/or business) to the application premises, should be informed by letter to make them aware that an application has been submitted.

Aims and Objectives:

- (a) To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits if necessary;
- (b) To have due regard to the relevant Licensing legislation;
- (c) To establish key issues and future need;
- (d) To evaluate all relevant facts in relation to the topics under review in an objective way and to produce recommendations for future action accordingly;
- (e) To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process 2013/14; and

REVIEW OF LICENSING SERVICES TASK AND FINISH PANEL: DRAFT TERMS OF REFERENCE

(f) To report findings to the Overview and Scrutiny Committee and to submit any final reports in the proposed Corporate Format for consideration by O & S and Council.

TIMESCALE	ESTIMATED	ACTUAL
Commencement: Oct 2012	April 2013	
<u>Finish</u> 1. As a time limited review - to end by April 2013.		Officers to consult Finance to establish if the Panel should put an interim bid for an appropriate budget round.

TASK AND FINISH PANELS GUIDANCE NOTES

Introduction

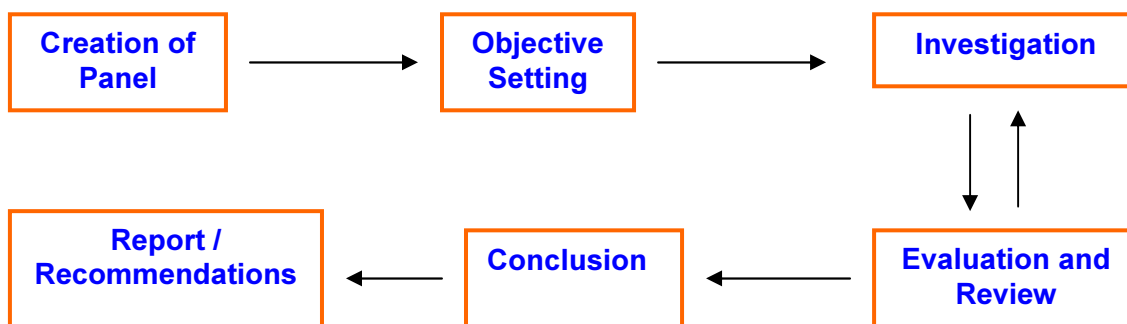
1. Task and Finish Scrutiny Panels are established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in the annual work programme for Overview and Scrutiny.
2. Task and Finish Scrutiny Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.
3. Task and Finish Panels as with all Overview and Scrutiny must be member led. The members should control the agenda and have ownership of the work programme.

Scoping Phase

4. **(Pre Scoping)** Before their first meeting with the Chairman, the Lead Officer should hold an informal meeting with any officers that may be connected to the topic to be reviewed to try and establish any and all issues related to the subject, so that that the Lead Officer on meeting with the Chairman, has some background information to submit.
5. **(Scoping)** At the start of a Task and Finish Panel the Lead Officer will draft the Terms of Reference in conjunction with the Chairman of the Panel. The Panel will then meet to discuss the Terms of References and decide how they are to achieve their goals. An emphasis must be put on clear and realistic objectives, which are timely and time limited.
6. Terms of Reference and objectives should, if at all possible, be defined using the **SMART** objective framework:

Specific Measurable Achievable Realistic Time Limited

7. The life cycle of a Task and Finish Panel will look like this:



Investigation Phase

8. Before any conclusions can be drawn, evidence must first be gathered. All available sources must be tapped, making the most of the expertise within the Council, any outside organisations and public opinion if applicable.
9. The investigation phase can be handled as a full group review or as a 'delegated tasks' approach, with individual members or small sub groups, gathering evidence to bring back to the full Panel.
10. Any reports by officers to a Task and Finish panel should provide relevant evidence and background but should not make any recommendations. They should be done in an informal style, and not mirror the house Cabinet, Portfolio Holder style of reports.
11. If thought necessary outside bodies should be involved in the evidence gathering phase, either by inviting that organisation to give a one off presentation or by co-opting an outside member onto the Panel for the duration of the Panel's life in a non-voting capacity.
12. Creativity and imagination should be used in gathering evidence. Ways can and should be found of getting the views of groups who may be overlooked. Perhaps the review should be publicised and contributions invited, the use of community venues encouraged and feedback provided to participants.

Witnesses and Questioning

13. When questioning witnesses, questions should be kept brief, clear and to the point. Start with broad questions first and then narrow down the focus. Remember to use 'follow ups' to obtain a clearer explanation. The use of pre-meetings could be used to organise the Panels approach to the questioning of 'witnesses' and to get the most out of the session.
14. Remember the panel is not there to trip people up, "grill" them, apportion blame or to make their life difficult. Rather it is to understand the issues affecting the topic under review and how it affects the District Council and its residents.

Gathering Evidence

15. Methods of evidence gathering should be as systematic and objective as possible, not just anecdotal. Use a variety of approaches and not just rely on a single source. Some different ways that evidence could be gathered are:

- Statistical Surveys;
- Focus Groups and Workshops;
- Public Meetings;
- Self-advocacy groups;
- Street surveys;
- Site visits;
- Mystery Shopping.

Panel members should carry out these tasks, design the survey forms or prepare the questionnaires themselves. Officers are to be used in an advisory capacity only.

Report and Follow-up

16. The concluding report will need to be clear, concise, evidence based with illustrative anecdotes. All the evidence gathered should be listed and if thought appropriate summarised. There will need to be clear, realistic and specific recommendations formulated so that progress can be measured and followed up. The report should (wherever practicable) ask for responses to its recommendations within a realistic time period. (A draft format of a Task and Finish report is attached.)

17. The report should, if thought appropriate, be promoted to the public, e.g. through a press release and/or publicised via our website.

18. A mini-review of outcomes be carried out after an appropriate period (not later than six months (if appropriate) after the end of the panel). The results of this review should be reported back to the main Overview and Scrutiny Committee. The entire Panel should not be involved in this follow-up review. The Chairman on his/her own or a small sub-group of two or three members would be enough. They could provide the full panel with a short written report on their findings if necessary; otherwise a verbal report would suffice.

Democratic Services
July 2006

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SCRUTINY

REPORT OF THE XXX TASK AND FINISH PANEL

APRIL 2012

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- Make the contents table lines invisible
- Each section to start on its own page
- The addition of photographs always make a report more reader friendly and a document more professional looking.
- It may be argued that the introduction and context section could be put under one heading. Splitting up these headings helps to keep the report in small chunks, making it easily readable and more accessible.
- The same applies for keeping the recommendations separate from the main body of the report.
- If needed more section headings can be added.

1. Chairman's Foreward

Setting out briefly what the panel was tasked to look at, and how the panel went about it.

The Chairman can use this section to give any personal thanks to the people and organisations consulted.

This should take up about one side of A4.

2. Introduction or Overview

This section sets out the formal terms of reference for the panel, who they consulted and how they went about gathering the evidence (i.e. by interview, site visits, questions to organisations, questionnaires etc.). This will be a more detailed explanation that's in the Chairman's forward.

If pertinent it should set out why the Panel did not look at some aspect of the topic they were charged to look at.

3. Context

Background to the topic under review – how Government Policy fits in, any relevant legal considerations any laws (European or domestic).

How the Council's policies are affected (if at all) or how EFDCs geographical area fits in (local context) and any other local considerations that were taken into account.

4. Summary of Recommendations

The Panels recommendations should be listed out here. If there are enough recommendations it could be divided into sections, each relating to different section of the report.

Recommendations should begin: **"The Panel recommends that...."**

5. Report

This section will detail the evidence gathered and the conclusions reached. This should be related to the recommendations made in the summary of recommendations.

Start with a general introduction (if thought useful) and then repeat each recommendation adding an explanation as to why that recommendation was made, citing any evidence gathered and the conclusions drawn. In order to meet legal requirements, if the recommendations are to go on to Cabinet or Council for action, the report should indicate any options that were considered and rejected and reasons why.

6. Conclusion

Very short version of report for busy people – maybe with an eye for putting this bit out as a press release.

7. Acknowledgements

To give formal acknowledgement to any sources used e.g:

Organisations;

People;

Officers;

Experts;

Websites;

Laws;

Locations visited;

Council policies etc.

8. Appendices

If needed to add background information, tables, graphs etc.