

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF REVIEW OF LICENSING SERVICES TASK AND FINISH
PANEL
HELD ON THURSDAY, 24 JANUARY 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 8.56 PM

Members Present: Mrs P Smith (Chairman), , K Angold-Stephens, J Hart, R Morgan (Chairman, Overview and Scrutiny Committee), J Philip, Mrs C Pond, D Stallan (Housing Portfolio Holder) and Ms S Watson

Other members present: C Whitbread

Apologies for Absence:

Officers Present A Hendry (Democratic Services Officer) and A Mitchell (Assistant Director (Legal))

10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

11. DECLARATIONS OF INTEREST

No declarations of interest were made.

12. NOTES OF THE LAST MEETING

The notes of the previous meeting held on 17 December 2012 were agreed.

13. CONSIDERATION OF TAXI LICENCES DELEGATION

The Panel considered the merits of delegating all taxi licensing decisions to officers. The Panel were considering this option in order to free up time for councillors to look at premises licences. As long as they were legally allowed to delegate all taxi licences to officers, they were content to do this. It was noted that only one officer would decide on these application as opposed to the three councillors who currently sit on a sub-committee. There was a danger that the applicant may perceive this to be an unfair arrangement and they would appeal to the magistrates court.

Councillor Philip agreed that this was something that should be dealt with by officers, as long as full records were kept of the decision and the hearing. It would free up Councillors time for them to deal with other things. It should be that exceptional cases could still be sent to a Sub-Committee for their consideration.

It was noted that the meeting to decide taxi applications would have to be clerked and this along with the proposed evening meetings would increase the workload on officers from the committee service.

Councillor Hart suggested that the daytime taxi sub-committees could have members who did not work during the daytime but to do this we would need to set up two licensing committees, one for taxis and one for premises. However, the Panel

thought that this would entail having additional resources for this split; they would rather the application be delegated to officers. They would like to add that this new arrangement be reviewed again after 12 months by the Constitution and Member Services Panel.

Asked if this could easily be changed, Alison Mitchell said that the main Licensing Committee could agree this at their meeting and for it to be ratified by full Council. However, this would mean putting in extra resources for the legal and maybe the committee sections.

Councillor Philips asked that a six month report on the working of this arrangement be brought to the Licensing Committee. This was agreed by the panel.

Councillor Angold-Stephens raised concerns about a democratic deficit that the decision would not now go to Councillors but to officers. Councillor Morgan added that taxi drivers would be a lot happier to be seen by three Councillors as opposed to an officer. Councillor Stallan said that the same argument would apply to the Housing Appeals process that now went to officers. He had confidence that officers would make proper decisions. Councillor Philip added that if it was found not to be working properly that it could be changed after the 12 month review had taken place.

Alison Mitchell confirmed that if officers received any really serious cases then they would act immediately to take away the licence. It was only the grey areas that were presently referred to sub-committee

RESOLVED:

That:

- 1) the decision regarding Taxi Licences be delegated to the Director of Corporate Support Services and the Assistant Director (Legal) and that the constitution be amended accordingly;
- 2) this arrangement be formally reviewed after 12 months of operation by the Constitution and Member Services Standing Panel; and
- 3) an interim 6 month report be submitted to the full Licensing Sub Committee.

14. LICENSING COMMITTEE OPTIONS

The Panel noted that:

- a) The Licensing Act 2003 required that a licensing authority establish a Licensing Committee consisting of at least ten but no more than fifteen members.
- b) That the membership of the Committee was required to be pro-rata and if it was to be split into two areas then it would also need to be made pro-rata.
- c) It would be better to have north and south meetings on separate nights and not on the same night as it may be that the same licensing officer would be required to attend both meetings. The officer attending would have to be someone who knew the premises concerned to answer any questions raised.
- d) If the meetings were to be held on the same night then one would have to be held in the Council Chamber and the other held in a Committee Room. However the Committee Rooms tended to be booked out at the beginning of the year and it may not be possible to book a Committee Room at short notice.

- e) If an application was likely to take more than the time allotted in one evening then two meetings will have to be timetabled to continue the hearing into the next evening.

The Panel noted that if a premise was called in for a summary review by the Police, this type of review would require nine members as they require up to three meetings preferably with a different membership. This type of review was a very rare occurrence, but had to be heard as soon as possible. The initial meeting had to be held within 48 hours, the second, full hearing had to be held within 3 days of notification and a final, appeal meeting (if needed) had to be held within 28 days. This final meeting, from previous experience, would be likely to last all day as the reason for calling a summary review would be serious. Councillor Stallan postulated that they could put a pool of members together from the established North and South pool.

Councillor Philip suggested that there be a 6/9 split for the North/South pools.

The Panel noted the estimated cost of a North/South evening meeting split over a two year period would be about £7,973.

Councillor Angold-Stephens agreed it would be sensible to have a 9/6 split. He noted that it would roughly cost about £4,000 a year to implement these new arrangements. He agreed that two meetings on the same night should be avoided and asked that be written into the recommendations.

Councillor Stallan asked that these arrangements be reviewed in 12 months time.

The Chairman noted that evening meetings should all start at 6.30pm, but if an especially difficult case was anticipated then a start time of 3pm could be arranged.

Councillor Angold-Stephens commented that one of the reasons for holding evening meetings was to let the public attend the meetings. A lot of elderly people who attend the meetings tend not to want to travel in the evenings.

RESOLVED:

That the Task and Finish Panel recommended the following structure and operation for the new Licensing Committee:

- 1) That a Licensing Committee of 15 (pro-rata) members be set up. The Committee to be split into a pool of members from the South of the district (Loughton, Chigwell and Buckhurst Hill) and from the North of the District (the remaining wards);
- 2) That the two pools be split by 6 members for the North and 9 members for the South, each area to be pro-rata;
- 3) That 6 chairmen for the sub-committee be pro-rated consisting of 2 chairmen from the North pool and 3 from the South pool with 1 floating chairman;
- 4) That if there were not sufficient members from the appropriate area to hear an application then a member or members of the other area would sit;

- 5) That only one calendared meeting be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings);
- 6) That two meetings (North and South) should not be held on the same night;
- 7) If there were more than one application a month, additional meetings be organised for each application;
- 8) That these new procedures be reviewed after 12 months of operation;
- 9) that the Constitution and Member Services Standing Panel be asked to carry out the review;
- 10) That a bid for funds for the additional costs be added to the final report.

15. PUBLIC CONSULTATION

The Panel received a report on the background to any proposed public consultation. It was recommended that neighbouring residents be informed on the consultation rather than be separately consulted.

Members noted that the Council was prohibited from using the Council Tax database or the Elections database to base their consultation lists on for any premises applications. If they decided to consult premises within the suggested 150 metres they could use the Council's GIS system to identify the properties affected. The GIS officer could put the relevant data into a format that could be used in a mail merge for the consultation letters. The draft letters could be sent to reprographics along with a copy of the notice and information how to object, that would be prepared and enveloped by them using their specialist equipment.

The Panel agreed that the letter should be addressed to more than just "The Occupier" as people tended to ignore these types of correspondence. They would like something like "Important – Notice of Licensing Consultation" printed on the outside of the envelope, but noted that this may increase the cost of a consultation.

The letter would be a standard letter tailored to fit the application. It would include a copy of the notice of application and indicate that the Council were out to consult on it. It would also state the four licensing objectives and outline how to object and speak at the Licensing Sub-committee rather like the Planning "Your Voice Your Choice" leaflet.

The Panel wanted a dummy letter brought to their next meeting for information.

They noted that the fee structure was presently in flux as the Government was presently reviewing them. New regulations were expected soon.

RESOLVED:

- (1) That the Consultation radius should be set at 150metres;
- (2) The envelopes should state that "Important – Notice of Licensing Consultation" was enclosed;

- (3) A dummy letter be brought to the next meeting for the Panel to review;
and
- (4) That a draft final report be brought to the next meeting o the Panel.

16. FUTURE MEETINGS

The next meeting to be held on 4 March was noted.