

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON TUESDAY, 19 NOVEMBER 2013
IN COMMITTEE ROOM 1
AT 7.00 - 8.45 PM**

Members Present: J Philip (Chairman), A Watts (Vice-Chairman), R Cohen, Mrs R Gadsby, Mrs M McEwen, R Morgan, Mrs C Pond, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and G Waller

Other members present: K Angold-Stephens, A Boyce, Mrs P Smith and J M Whitehouse

Apologies for Absence:

Officers Present I Willett (Assistant to the Chief Executive), A Mitchell (Assistant Director (Legal)), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

18. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 24 September 2013 be agreed.

19. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutions made at the meeting.

20. DECLARATION OF INTERESTS

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

21. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Terms of Reference were noted.

(b) Work Programme

(i) Item 6 Petitions Scheme

It was advised that a timescale would be needed for this item with documents requiring updating.

(ii) Item 7 Review of Officer Delegation

This item needed a complete review pursuant to the Directorate re-structure. The Panel was informed that this needed to be in place by 31 March 2014 along with the new structure.

(iii) Item 10 Joint Consultative Committee

This item had come from Management Board, consultation would take place with staff and non-union staff. It would be submitted to the Joint Consultative Committee in the first instance.

22. REVIEW OF LICENSING - STAFFING AND BUDGET

The Panel received a report from the Assistant Director of Corporate Support Services (Legal) regarding the Review of Premises Licences.

It was noted that a Task and Finish Panel had been established in September 2012 to review the operation and effectiveness of the licensing Sub-Committee structure which had recommended to the Overview and Scrutiny Committee that one calendared meeting be included during the day, per month, for hearing taxi licence applications and one calendared meeting be scheduled during the evening, per month, for considering all other licensing applications. Alongside this, notification of an application would be sent to neighbouring properties within a radius of 150m from the premises concerned. Subsequently the Overview and Scrutiny Committee recommended these suggestions to the Cabinet and finally Council endorsed the proposals.

The new procedures led to an increase in the number of Sub-Committee meetings from 5 in the five month period from 1 June 2012 to 31 October 2012 to 20 in the same months in 2013. Temporary posts within Democratic Services and Licensing Section had been approved to deal with the increased workload.

Scrap Metal

The licensing authority had recently taken on the responsibility for licensing scrap metal dealers. There were currently 10 applications from dealers with more expected.

Road Closures

Until recently Essex County Council had undertaken temporary road closures to allow street parties and related events. However County Council had decided that it would no longer process these and referred applicants to this Council. It was estimated that the number of road closures were likely to be about 22 annually. The authority needed adequate staffing levels to cover the expected annual workload.

In attendance at the meeting were members of the Licensing Committee who advised on their desire to return to daytime licensing meetings with mixed taxi and premises licences being heard. Members requested that they wished to retain the 150m consultation radius. Overall it was felt that evening meetings and the time spent on discussions with those making representations and applicants, meant that licensing officers were diverted from other necessary areas of work. Similarly, the workload in democratic Services had also increased which was set against a background of growing levels of meetings supported by this service.

RECOMMENDED:

- (1) That, following the Panel's review of the trial licensing arrangements based on wider neighbour consultation and evening hearings for premises licences, the following recommendations be made to the Overview and Scrutiny Committee:
 - (a) That all licensing hearings (including those relating to scrap metal dealers) revert to being held during the daytime, subject to (b) below;
 - (b) That the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest;
 - (c) That the Chairman of the Licensing Committee consider any representations by officers or local ward councillor(s) regarding the desirability of an evening hearing; and
 - (d) That the Licensing Committee be informed that the Panel supports the continuation of the wider consultation introduced in the trial and asked to take this view into account in their review.
- (2) That the Committee note that the Cabinet has considered the need for a provincial CSB growth item to cover licensing costs resulting from these licensing arrangements (including additional staffing) being added to the draft 2014/15 budget pending the outcome of this review.

23. PROCESS REVIEW ON APPOINTMENT OF VICE-CHAIRMAN OF COUNCIL

The Panel received a report from the Senior Democratic Services Officer regarding the Vice Chairman of Council – Appointment Review.

At the last Panel meeting Members considered a report on a revised method for appointing the Vice Chairman of Council. Officers circulated member's wishes from that meeting. A wider consultation was also undertaken with all members via the Bulletin. A number of members had responded including an email tabled at the meeting.

Members supported the current arrangement whereby a nomination form signed by no fewer than 15 serving district councillors when the Appointments Panel held its first meeting in a municipal year. Officers were requested to include in the report recommended to the Overview and Scrutiny Committee that there had been other options discussed and a website link to the Panel report should also be included.

RECOMMENDED:

That the following recommendations regarding the Appointment of Vice-Chairman of Council be made to the Overview and Scrutiny Committee:

- (1) That nominees for the office of Vice-Chairman of the Council are required to submit a nomination form supported and signed by not fewer than 15 serving District Councillors when the Appointments Panel holds its first meeting in any municipal year;
- (2) That nominees for Vice-Chairman of the Council may be a Councillor from any political group on the Council or any independent or unaffiliated Councillor;

- (3) That nominations shall be considered by the Appointments Panel for onward recommendation to the Annual Council meeting;
- (4) That the person appointed by the Council as Vice-Chairman of the Council shall normally be elected as the Chairman of the Council for the following Council year;
- (5) That if a Vice-Chairman is unable to be elected as Chairman of the Council following their year as Vice-Chairman, the procedure outlined in 1 – 3 above shall also apply to the election of a new Chairman; and
- (6) That the Council may suspend the operation of the appointment process set out under 1 – 3 above at an Annual Council meeting. A motion to that effect and giving reasons as to why this would be in the best interests of the Council may only be adopted if the equivalent of 65% of Council members present at the meeting vote in favour.

24. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Review of Licensing – Staffing and Budget report would be submitted to the next Overview and Scrutiny Committee on 26 November 2013.

25. FUTURE MEETINGS

The next meeting of the Panel would be held on Tuesday 14 January 2014 at 7.00p.m. in Committee Room 1, and then on:

- Tuesday 18 March 2014