

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF REVIEW OF LICENSING SERVICES TASK AND FINISH
PANEL
HELD ON MONDAY, 4 MARCH 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.26 PM

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

Other members present: G Waller

Apologies for Absence:

Officers Present A Mitchell (Assistant Director (Legal)), C O'Boyle (Director of Corporate Support Services), S G Hill (Senior Democratic Services Officer) and A Hendry (Democratic Services Officer)

17. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

18. DECLARATIONS OF INTEREST

No declarations of interest were made.

19. NOTES OF THE LAST MEETING

The notes of the previous meeting held on 24 January 2013 were agreed.

20. REPORT FROM MANAGEMENT BOARD

The meeting considered the late report from Management Board commenting on the draft final report of the Panel. The Management Board wanted the Panel to treat their report as further comments/evidence to aid their review. The Panel noted that:

- There was a likelihood that following the enhanced consultation proposed that there was the likely hood that there would be a reply to each application which would bring it to a Sub-committee meeting and a possibility of having 41 extra review meetings;
- Each representation had to be checked for validity by officers and if need be to mediate between objectors and the applicant;
- If the amount of work envisaged materialised, then there would be a need for extra staff in Licensing and in Democratic Services;
- It could be said that the impartiality of the Licensing Committee may be compromised by the use of more local committee arrangements.

Councillor Hart commented that contrary to what Management Board said, the current system did not work satisfactorily hence the request for this Task and Finish Panel.

Councillor Stallan questioned the statement that the Licensing Sub-committee may not be considered as impartial, as local councillors sat on local planning committees. He was told that planning had more leeway than Licensing and that may open the Council up to more of a chance to an appeal, as lawyers may say that we have reduced out impartiality by selecting local members to decide on applications.

The Panel took the Managements Board's comments into consideration when discussing the final draft report.

21. DRAFT FINAL REPORT

On consideration of their final draft report the Panel noted the new costing that was now included in the report.

Concerns were expressed about employing extra staff before the new system had time to bed down and the amount of extra work was known, but noted that without employing the extra staff they may not have enough time to read all the representations or to mediate between objectors and applicants. Democratic Services were consulted and were of the view that additional work at this level could not be handled with their present staff levels. It was noted that licensing staff were currently stretched especially the enforcement section.

Councillor Waller as the relevant Portfolio Holder expressed concerns about local members dealing with local applications objectively; that Licensing was different from Planning as planning had about 16 members on a sub-committee while Licensing only had three members; also he was unsure about dividing the district into North and South areas.

Councillor Pond commented that members from adjacent wards could sit on an application. She also considered that members from rural wards did not fully appreciate the problems in urban areas. Councillor Watson argued that there were nine wards from which to choose members from and therefore it cannot be said that they were not impartial.

Councillor Philip commented that the Panel had to decide on four things the consultation area, the make up of the Sub-committees, having evening meetings and Taxi Licensing delegation. The Chairman asked if the Panel could agree on increasing the consultation area. The Panel agreed that this was a good practice and should be implemented.

AGREED: That the notification radius should be set at 150 metres.

Councillor Philip said that the need to decide if a North-South split of the Committee was of use could be deferred to when the arrangements were reviewed in twelve months time.

AGREED: That the Committee not be split into North/South areas at present.

Councillor Philip proposed that the composition of the committee remain as is, with 15 members without being split into North and South areas. However, the Appointments Panel be made aware of the Panel's thoughts on having a split of membership between urban and rural areas and make appropriate appointments with this consideration in mind. Councillor Stallan agreed and asked if the Panel could also agree to add evening meetings to the proposal. This was agreed.

AGREED:

- 1) That the composition of the Licensing Committee remain at 15 members, and that the Appointments Panel be made aware of the need to have a rural/urban split in the membership; and
- 2) That evening meetings be established for the new municipal year, to be held one per month, starting at 6.30pm (with a 3pm early start for exceptional meetings), to consider all licences other than taxi licences.

It was also noted that officers would have to consult on the proposals of this Panel with all relevant interested parties. This would be a district wide consultation including the Town and Parish Councils; it would have to conform to the Council's consultation policy. Councillor Philip commented that if we had to do this, could the consultation not run in tandem with the first 'trial' year of the new arrangements. This way it may show up problems that we had not yet thought about.

The meeting next considered delegating taxi license applications to officers. The Director of Corporate Support Services, Colleen O'Boyle, commented that she did not do the day to day management of the taxi licences, but Alison Mitchell did. This would conflict her out of determining taxi licence applications and put the majority of the cases to her. However, she would not have the time to do this and she was not wholly convinced that the taxi drivers would be happy to have an officer taking the decision.

Councillor's Morgan and Waller agreed with Ms O'Boyle that it would be better for members to consider taxi licence applications rather than officers. The Panel discussed if was possible to put the taxi applications into the evening meetings, or if two committees could be set up, one for taxi applications and one for all other applications. This was discussed by the Panel and rejected as being impractical. In the end they agreed that there should be no changes in having members consider taxi drivers applications during the calendared daytime meetings.

AGREED: That Taxi Driver licence applications be considered by members of the Licensing Committee during the calendared daytime meetings and not be delegated to officers.

The Panel considered the draft letter notifying residents of an application, but although it was quite long it did purvey all the information necessary in as succinct a way as possible and it was agreed.

AGREED: That the draft letter to residents as set out in the draft report was agreed.

RESOLVED:

1. That a revised draft final report taking into consideration the amendments made at this meeting, be prepared and distributed to members of the Panel by email for their agreement, in time for it to be submitted for the agenda of the April Overview and Scrutiny Committee meeting; and
2. To submit the draft to the next Cabinet meeting for them to consider the budget implications of the report.