

**EPPING FOREST DISTRICT COUNCIL**  
**NOTES OF A MEETING OF REVIEW OF LICENSING SERVICES TASK AND FINISH**  
**PANEL**  
**HELD ON TUESDAY, 23 OCTOBER 2012**  
**IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING**  
**AT 7.00 - 8.55 PM**

**Members Present:** Mrs P Smith (Chairman), K Angold-Stephens, J Hart, R Morgan (Chairman, Overview and Scrutiny Committee), J Philip, 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))

**1. DECLARATIONS OF INTEREST**

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

**2. ADDITION OF MEMBER TO THE PANEL**

The Panel noted that Councillor Pond had expressed an interest to become a member of the Panel. The Panel agreed that she be added as a member.

**3. SCOPING AND TERMS OF REFERENCE**

The Panel considered the report on the Scope and the Terms of Reference for this newly constituted Task and Finish Panel.

The Panel considered what they should be looking at in their meetings and they agreed that they should consider:

- the possibility of moving at least some of the more contentious applications, such as the increase in hours for the selling of alcohol, extended hours for nightclubs or sex shops, to evening meetings;
- the possibility of creating a new Licensing Sub-Committee structure to enable local councillors to have more input;
- how to either extend the people to be consulted on applications or how to better inform consultees that an application has been submitted;
- where does the Town and Parish Councils come into the consultation process;
- to review the number of meetings and type of licences issued;
- form an opinion on what type of applications are more appropriately heard during the daytime meetings and need not be considered for moving to evening meetings;
- there was need to establish best practice and how it applied to EFDC;
- the type of training given to Committee members and non-committee members on Licensing matters;
- possible venues of evening meetings and costs involved;

- potential costs to the applicant;
- how do other Councils conduct their Licensing meetings (daytime or evening);
- arrange for a few panel members to visit other council's evening meeting and report back;
- ask licensing officers from other authorities to attend a Panel meeting for a Q&A session;
- to review the likely extra work to be put on licensing officers;
- what is the legal position regarding the role of Councillors, Ward Councillors, County Councillors and Parish and Town Councillors.

The Panel considered what information they would need researched and brought to their meetings. They agreed that they wanted:

- A statistical review of the Licensing Sub-Committee meetings over the last two years to ascertain how many applications there have been, the length of the meetings, and the types of licence applications considered. This information to be brought to their next meeting;
- How many applicants had made use of legal or other representatives at their hearings;
- Indicative costs for the hire of outside premises, and officer costs for the meeting. This could be based on the costs for Area Plans South meetings, held in Loughton;
- Information on how other Councils conduct their Licensing Committee meetings.

Once enough information had been gathered a consultation exercise should be conducted, canvassing the opinions of applicants, solicitors, residents, officers and local councillors. Councillor Philip stated that before the Panel went out to consult they should work out what they wanted to do first.

Councillor Whitbread said that the budgetary considerations should be put to one side for now and the Panel should concentrate on getting the policy right. A supplementary could always be added to the budget later. This was a project to enhance the way the Council publically handles itself.

Councillor Smith noted that the law around licensing was far more restrictive than that around planning. Councillor Angold-Stephens added that Licensing was very evidence based with solid evidence needing to be supplied by those making representations on the problems they faced.

The Panel noted that a list of any upcoming licensing applications appears in the Council Bulletin for information. However, there are not many renewals or new applications. A lot of renewals are granted by officers; if they do not have any representations made then the licence has to be granted. These applications are also put on our website so that Town and Parish Council clerks could check to see if they were in their area. They have been told to check our website on a regular basis for these applications as they can now make comments on the applications due to a recent change in the law. Councillor Whitbread said that the Town and Parish Council members, as well as our members, needed training in the Licensing Law. Perhaps a joint training exercise could be arranged.

Councillor Philips said that we needed to review the way we publicised applications and put this into our terms of reference, this was agreed.

In order for information to be gathered, it may be appropriate for one or two members to visit another authorities licensing meeting held in the evening and report back to the Panel on their finding. They should make contact with a relevant officer and perhaps the chairman of the Sub-committee so that they could ask appropriate questions and get their views.

The Panel then considered their draft terms of reference and aims and objectives, amended and agreed it (see attached copy).

#### **4. FUTURE MEETINGS**

##### **Next Meeting:**

1. The Democratic Services Officer to find a suitable date in the first two weeks of December to hold a meeting.
2. To receive a statistical report on the last two years of Licensing Sub-Committee meetings.
3. To arrange for a licensing officer and appropriate Councillor from another authority who have evening meetings to come and talk to the Panel on their experiences.

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### **Origin:**

At the meeting of the Overview and Scrutiny Committee on 4<sup>th</sup> 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 some meetings to the evening.
4. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
5. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

### **Aims and Objectives:**

- (a) 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 by April 2013.
- (b) 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;
- (c) To have due regard to the relevant Licensing legislation;
- (d) To establish key issues and future need;
- (e) To have in place a structure for Licensing Sub-Committees in place for the next municipal year.

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(f) To establish whether there are any resource and calendar implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process 2013/14.		
<b>TIMESCALE</b>	<b>ESTIMATED</b>	<b>ACTUAL</b>
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.