

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF REVIEW OF LICENSING SERVICES TASK AND FINISH
PANEL
HELD ON MONDAY, 17 DECEMBER 2012
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.51 PM

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

Other members present:

Apologies for Absence: R Morgan (Chairman, Overview and Scrutiny Committee)

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

5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

6. DECLARATIONS OF INTEREST

No declarations of interest were made.

7. NOTES OF THE LAST MEETING

The notes of the previous meeting held on 23 October 2012 were agreed.

8. LICENSING BACKGROUND REPORT

The Assistant Director (Legal), Alison Mitchell tabled a statistical report updating the one in the agenda.

The Panel noted that most local authorities considered Premises licence applications separately from other applications. The report split the district up into three areas, West, South and East for ease of consideration. The Licensing team divided the district into these three areas with individual officers responsible for one area each. The areas are based on the levels of work generated and are not an equal geographical split. The majority of applications were in the South, which was the smallest of the geographical regions, but generated the most work. This locale was also the most controversial as it was a mixture of residential and commercial in close proximity. The rural areas were not as intensely used.

It was noted that:

- If the Panel were minded to hold hearings in separate areas then the meetings would have to double;
- Evening meetings should ideally only deal with one premises licence case, as they tend to take time and should ideally be finished on the same night;
- Adjourned meetings should continue the next day, this would also depend on the availability of rooms for the next day;

- It was suggested that an evening meeting should start at 6.30pm to give it a good chance of finishing that night;
- Other local authorities tended to hold the serious premises applications that were likely to take a long time during the day;
- However, members were concerned that this went against why this Task and Finish Panel was convened in the first place, to enable local working residents and ward members to attend evening meetings;
- Serious (long) applications only tended to happen occasionally, there had only been two in the last three years;
- Reviews came in three parts, if closed down immediately by a responsible authority, an initial review had to be held within 48 hours to confirm (or not) the closure. After this a full review hearing must be held within 21 days which may be followed up by another, appeals meeting;
- These reviews were a lot like court proceedings;
- Councillor Philip suggested that these bigger cases should perhaps be started at 3pm; and
- There were also the more numerous non-urgent, standard reviews.

Councillor Watson noted that each party must be given an equal amount of time to speak and given the number of objectors this could last a long while. She asked if each speaker at a review could be given a set time to speak. She was told that it was not that practical as the applicant may get 10 minutes but then if there were 10 objectors they would get 100 minutes, not an equitable arrangement and has the perception of being very unfair and would probably open us up to an appeal. It should also be remembered that each speaker was open to cross questioning by the other side on the points they had raised.

Councillor Angold-Stephens had worked out that approximately 3 to 4 meetings per year would last longer than 3 hours.

Councillor Smith asked the Panel if they wanted to consider splitting out the taxi and premises licensing into separate meetings. They noted that it would effectively double the number of meetings needed. However, two scheduled monthly sub-committee meetings were already factored in, one for the daytime and one for the evenings.

Asked if there was a time limit for assessing taxi drivers Alison Mitchell said that there wasn't but they had to be reasonable in their consideration of these cases.

Considering the areas proposed for dividing the district into manageable parts Councillor Philip suggested that it really only needed to be split into two areas, North and South, with the South consisting of the urban areas of Loughton, Chigwell and Buckhurst Hill, and the North the other more rural areas. Were there any operational difficulties in doing this?

Councillor Watson asked why taxi applications had to go to a sub-committee. She was told that only about one fifth of the applications went the sub-committee, as these were the ones that officers did not have the delegated powers to consider them. Councillor Philip asked if more powers could be delegated down to officers. He was told that it was useful to put the more serious cases to members to make it more formal for the applicant. Councillor Angold-Stephens added that there were a whole range of reasons why they came to members such as speeding and other more serious criminal offences. It was also noted that they also had the right to appeal to the magistrate's court.

On consideration it was noted that taxi applications need not be considered at the same meetings as premises applications. Also, the Panel asked that at a future meeting Alison brings some sort of report on just how much can or should be delegated to officers for taxi applications.

Councillor Stallan, referring to premises applications, asked if there was a procedure for adjourning a meeting. He was told that normally they would have to continue the next day, but only with the agreement of both parties. He reminded the meeting that the purpose of the Panel was to allow ward councillors to attend these meetings which they cannot do so when they were held during the day.

The Panel then considered how the public could be better informed on any premises applications. It was noted that planning only consulted the people in the immediate curtilage of an application. If the Panel wanted to consult people in a radius of 150 yards of a site, it could be done using the GIS mapping system, but it would take at least a week to do. It would also probably mean that an officer from licensing going around the area and delivering letters to make sure that no flats had been left out, as we would have to prove, in law, that we were not negligent in doing this. This could not be done within existing licensing resources. Members only see a small number of cases but there are a large number of cases in the background which would have to be treated the same way and we would have to do this within the timescales proscribed.

Councillor Philip wanted to know just how many premises applications were dealt with in a year and the average cost for doing this.

Councillor Stallan asked if the cost for a licensing application fee was set or could we cover our costs. He was told that it depended to the type of licence applied for; also next year new regulations would be coming in that would probably enable us to cover our costs. At present on average the licensing fee was about £1300. We would not know how much we can charge until the new regulations come out.

Councillor Philip wanted to know if the approximate costs of the increased resources needed by licensing could be brought to the next meeting.

The Panel considered if the sub-committee should meet in a local venue instead of Epping and came to the conclusion that with the practical difficulties raised such as looking for somewhere at short notice and going over 10pm, they did not see a problem in holding the sub-committee meetings at the Civic Offices in Epping.

It noted that it had been suggested that local councillors should decide on their own local cases. However the timetable was worked out at the start of the year before it was known what cases were coming to which meeting so it would be pot luck. It would also be considered a breach of natural justice to do this and we would be liable to have an appeal against us and are constrained by law on this. The law on this was quite different to planning law. In licensing it would be inappropriate for a councillor to decide an application in his own ward.

Members also wanted to know:

- If the Licensing Committee could be extended to say a membership of 18 Councillors, split into two teams of 9 to cover the north and south areas of the district;
- would it be a pro-rata committee or with area pools; and

- would it be possible to run two meeting on the same night (implications for officer availability)?

Members agreed that the new arrangements should also be reviewed in a year's time; and that a leaflet along the lines of 'Your Voice Your Choice' be produced by the Licensing Section for use by members of the public.

In summary, the following points were raised for future discussion:

- a) Evening meetings should ideally only deal with one premises licence case;
- b) Adjourned meetings should continue the next day;
- c) Evening meeting should start at 6.30pm;
- d) The District only needed to be split into two areas, North and South, with the South consisting of the urban areas of Loughton, Chigwell and Buckhurst Hill, and the North the other more rural areas;
- e) The Panel asked that at a future meeting a report be presented on just how much can or should be delegated to officers for taxi applications;
- f) Just how many premises applications were dealt with in a year and the average cost for doing this;
- g) That the approximate costs of the increased resources needed by licensing could be brought to the next meeting;
- h) If the Licensing Committee could be extended to say a membership of 18 Councillors, split into two teams of 9 to cover the north and south areas of the district; and
- i) Would it be possible to run two meeting on the same night (implications for officer availability).

9. FUTURE MEETINGS

It was suggested that the next meeting be held on Thursday, 24 January 2013. The Democratic Services Officer would check the calendar of meetings and confirm by email to the members if this was possible.