

# **Report to Licensing Review Task and Finish Panel**

**Date of meeting: 24 January 2013**

**Portfolio: Safer Greener and Highways**

**Subject: Licence Committee Options**

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**Committee Secretary: Adrian Hendry, ext. 4246**



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## **Decisions Required:**

**That the Task and Finish Panel consider the structure and operation of the Licensing Committee and recommend any proposed changes to the Council.**

## **Report:**

1. At the last meeting of the Task and Finish Panel officers were instructed to report on the following matters:

- whether the membership of the Licensing Committee could be extended to 18 Councillors, split into two teams to cover the north and south areas of the district;
- would it be necessary for there to be a pro-rata committee;
- would it be possible to run two meetings on the same night (implications for officer availability), and
- are there any operational difficulties in splitting the responsibility 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?

## **Licensing Committees**

2. The Licensing Act 2003 requires that a licensing authority establish a Licensing Committee consisting of at least ten, but not more than fifteen members of the authority. It is not therefore possible to increase the numbers of members.

3. The membership of the Committee is required to be pro-rata and if it is split into two areas that split would also need to be made pro-rata.

## **Number of meetings to be held each month**

4. The panel asked if it would be possible to hold more two meetings in one evening. During the two years October 2010 to September 2012 there were:

- If it were intended to hear only 1 application at each meeting, there would have been:
  - North – 1 month with 2 meetings
  - South – 7 months with 2 meetings and 1 month with three hearings.
  - North and South – 2 months with a hearing in both areas.
- North of the District there will be 17 months with no meetings and 6 months with no hearings in the south of the district.

Over that period about 35% of the applications were in the proposed north area of the District.

### **Two Meetings in One Night**

5. If two meetings were to be held on the same night this would mean that one meeting would be held in a Council Chamber and the other in a Committee Room. The Committee Rooms are booked out at the beginning of the year. It would not be known whether there were to be an additional meeting in any month until the end of the consultation period for any application which is two to three weeks before the meeting. It may not be possible to book a committee room at such short notice.

6. There were seven months in the two year period where there were two applications in respect of licences for premises in the south of the district. The licensing officer who will have inspected the premises and processed the applications could not be in attendance at both hearings.

7. The committee service would not be able to plan for the additional meetings and may not have two officers available on one night.

8. As the majority of the meetings are in respect of premises in the south it may be difficult to arrange for members for area south to be available on the same night for two meetings.

9. There are practical difficulties in holding two meetings on the same night and this is not recommended.

### **Operational Difficulties**

10. If the police ask for a summary review this will involve a meeting of the sub-committee being held at each of the three stages of the process. The Committee membership was increased to fifteen to take account of this type of review as the membership of each of the three sub-committees should be different to ensure that there are no accusations of bias. The division of the committee evenly into two areas would make it impossible for the membership of each of these sub-committees to be from the appropriate area of the district and if the balance was in favour of the south then north would have less representatives on these hearings. One such application was in respect of premises in Epping which would be in the north area.

11. It is usual for the Senior Licensing Officer to attend all meetings to give advice on policy and the Licensing Enforcement Officer concerned to answer specific questions regarding the applications. The officers are responsible for particular areas. If more than one application is heard on any one night then this may lead to more than one Licensing Enforcement Officer having to attend in an evening.

### **Costs.**

12. If all meetings ended before 10 pm then the cost of four officer's time for each meeting would be £234.52. Over the two year period mentioned above, if each application were to be heard separately then there would be 34 meetings at a total cost of £7,973.68.

13. If the Task and Finish Group agree that the decisions regarding to the grant of taxi licences remain the responsibility of the Licensing Sub-committees there were ten meetings which involved taxi licences last year. If those are all held separately in an evening there would be an additional cost of £1,755.90p in respect of officer's time.

**Consultation undertaken:**

None

**Resource implications:**

Budget provision: None

Personnel: None.

Land: None

Community Plan/BVPP reference: None

**Relevant statutory powers:**

Licensing Act 2003 as amended, The Licensing Act 2003 (Hearings) Regulations 2005

The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007

Gambling Act 2005

The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees)(Premises Licences and Provisional Statement)(England and Wales)

Regulations 2007.

Local Government (Miscellaneous Provisions) Act 1982

Local Government and Housing Act 1989

**Background papers:**

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required) none

Minutes of the Task and Finish Panel – 17<sup>th</sup> December 2012