

EPHING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Licensing Committee **Date:** 18 October 2005

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 12.10 pm

Members Present: Councillors M Cohen (Chairman), Mrs M Sartin (Vice-Chairman), Mrs J Davis, Mrs R Gadsby, F Maclaine, Mrs M McEwen, P McMillan, R Morgan, T Richardson, Mrs P K Rush, Mrs P Smith and Ms S Stavrou

Apologies: Councillors (none)

Officers Present: J Nolan (Environmental Services), K Tuckey (Environmental Services), Ms A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)) and A Hendry (Democratic Services Officer)

1. DECLARATION OF INTEREST

None declared.

2. TO SIGN OFF THE MINUTES OF THE LICENSING SUB-COMMITTEES.

RESOLVED:

That the minutes of the meeting from previous Licensing Sub-Committees be taken as read and signed by the Chairmen as a correct record. Namely the meetings held on:

28th April 2005
02nd June 2005
23rd June 2005
21st July 2005
18th August 2005

It was agreed that all draft minutes be circulated to the relevant Chairmen for agreement as soon as possible after they have been written.

3. REPORT TO COMMITTEE ON THE CURRENT SITUATION WITH REGARD TO APPLICATIONS UNDER THE LICENSING ACT 2003

The Environmental Health Manager tabled a sheet detailing the number of Premises Licence and Personal Licence applications handled under the new Licensing regime. In particular the meeting noted that:

- two applications had been refused;
- there were three appeals to the Magistrates Court; and
- there were five outstanding premises applications.

It was noted that the number of applications were generally as expected.

4. TO REVIEW THE ORGANISATION AND RUNNING OF THE LICENSING SUB-COMMITTEES SO FAR AND IDENTIFY ANY MATTERS OF CONCERN ARISING.

The meeting noted the complement paid to EFDC Licensing services and its' policies by the British Institute of Innkeeping.

The committee agreed that the arrangements had been working well so far but would like future meetings to be held exclusively (when available) in the Council Chamber. They discussed the possible health and safety considerations involved in holding meeting in the chamber and the ways in which the chairman could make the meeting feel more informal by putting the applicants and objectors at their ease.

The chairman thought it would be useful if the cleared minutes from the sub-committees were copied to him for consistency sake. It was noted that the minutes would also be published on the web for all the committee members to refer to. There were also the officers who attend all of the meeting and who could advise on any perceived inconsistencies.

It was asked if the form could be made simpler but it was noted that it was very much a work in progress and constrained to some extent by government guidelines.

RESOLVED:

1. That the sub-committee should hold their meeting in the Council Chamber whenever possible.
2. That all minutes once agreed should be copied to the chairman of the Licensing Committee for consistency.

5. TO REVIEW THE NEED FOR ALL BACKGROUND PAPERS FOR AGENDA ITEMS AND TO DISCUSS THE POSSIBLE PARING DOWN OF THE PAPERS TO THE MINIMUM NEEDED TO MAKE AN INFORMED DECISION.

The committee discussed the need for all the background papers currently sent out with the agenda. It was agreed that when some of the forms are left uncompleted and are blank they should be stripped out of the pack to reduce the amount paper circulated.

It was thought helpful that a plan of the area of the premises concerned should also be attached to the bundle; the standard OS scale of 1/1250 was thought to be appropriate. The map should only show the application premise. The committee noted that government regulations disapproved of committee members visiting the premise of applicants, but that should not deter them from driving past to ascertain its' location and situation if they felt they needed to.

Also, it would be helpful if the applications in the bundle were separated from each other by a front sheet.

The committee would like ward members reminded that they cannot make any representations to a sub-committee in their capacity as a ward councillor, but can only do so if they are asked to represent an interested party, such as local residents.

The committee were reminded that they should not inform their constituents that an application was coming up at a meeting – “they should not go looking for objectors”.

As each application contains plans of the premise concerned the committee decided that they would like the plans to be displayed in the members room before the start of the meeting for their information.

RESOLVED:

1. That the information bundle should only contain forms that have actually been filled in, pages that have nothing on them should be left out.
2. The applications should be separated from each other by a front sheet.
3. A map showing the area of the application premise should be included with the pack. The map should be of a 1/1250 scale, clearly marking out the premise concerned.
4. A reminder of ward councillors rights and constraints under the Licensing Act to be put into the Members Bulletin.
5. That the plan of the premise should be on display in the members room before the start of the meeting for their information.

6. TO CONSIDER ANY ACTION REQUIRED IN RESPONSE TO THE LACK OF REPRESENTATIONS FROM THE POLICE OR FIRE AUTHORITY.

The committee voiced their concern that the Police or Fire Authority had not made any representations (except once) to the sub committee. It was established at the Licensing Officers Forum that local authorities all over Essex were experiencing the same thing.

The Environmental Health Manager did make it clear to the meeting that the Police and Fire Authorities were consulted on all applications and that they did in fact acknowledge receipt. They would only reply formally if they wished to object, so they were not ignoring us but were just not formally making any representations on applications thus far. The committee would like some figures on the number of times that these authorities had made any representations at other councils so that they could get some idea of the frequency of the representations made. It was noted that members should not ask the Police for comments as that would be considered as “drumming up” representations and against the Licensing Act.

The committee also discussed:

- representations on noise that seem few and far between. It was noted that sometimes the Environmental Health Officers came to last minute compromises with applicants before a meeting. It was hoped that they would inform the meeting what these compromises were;
- if Parish Councils were notified about applications? They were told that they were not as they were not considered by the Act to be responsible authorities, nor is Building Control.

RESOLVED:

1. That officers bring up the matter of Police/Fire Authority representation at their next Licensing Officers Forum; and
2. that officers try and find out the frequency of representations made by the Police/Fire Authorities to other councils.

7. TO DECIDE ON A CONSISTENT APPROACH TO APPLICATIONS FOR AN EXEMPTION FROM DISPLAYING A LICENCE PLATE ON A PRIVATE HIRE VEHICLE.

The committee was asked if they wished to continue deciding on cases asking for the exemption from displaying a licence plate on a private hire vehicle at sub-committees or to delegate these decisions to officers. In either case a clear policy would be needed to ensure a consistent approach.

After some debate it was decided that the decision on exemption from displaying a licence plate on a private hire vehicle should be delegated down to officer level. It was also decided that officers should compile draft criteria that would have to be taken into consideration when deciding whether to grant or not, an exemption. The officer should consider:

- Evidence of work;
- Evidence of a job;
- Evidence of some indication that it is private hire vehicle;
- Consideration some type of identification to be included on the vehicle;
- Not to concentrate on the type of vehicle concerned but on the type of work they will be doing; and
- Proof that they would be working for an established firm.

The draft criteria should be drawn up and circulated to members of the committee for consideration at the next full Licensing Committee meeting in April 2006.

RESOLVED:

1. That applications for an exemption from displaying a licence plate on a private hire vehicle be delegated to officers; and
2. that officers draw up draft criteria for a policy on the consideration of the exemption for displaying a licence plate on a private hire vehicle for consideration by members at the next Licensing Committee meeting.

8. TO REVIEW ANY CURRENT AND FUTURE TRAINING NEEDS OF THE COMMITTEE.

It was noted that any new members would get training in the Act and that any other member would be welcome to come along to these courses as a refresher.

With the Gambling Act coming into force in 2006/07 appropriate training would be provided nearer the time.

9. TO DISCUSS FUTURE WORKLOADS.

Noted that:

- 24th November would be the effective day the licences come into force and from then on the workload for the committee would fall noticeably.
- We had already gone through the peak.
- They would all be up for renewal again in ten years time.
- The next major things to come up would be any new applications, variations and any review of premises that are requested.

The chairman wanted to record the thanks of the members of the committee to all the officers who had steered the sub-committees through this new Licensing Act.

The chairman also extended his thanks to all the members for their hard work.

10. ANY OTHER BUSINESS

1. A draft protocol by Essex County Council (ECC) was tabled by the Environmental Health Manager on joint working between ECC and the local Licensing Authorities. This was a protocol to protect children from harm at all licensed premises. The members were unsure about the part of the protocol that asked for the passing of information of any breaches of licensed premises with regards to children, to ECC through the committee. It was thought that the protocol should refer to the Local Authority and not the Licensing Committee, but subject to this the members were content for the chairman to sign up to this.

2. The need for Temporary Event Notices after 24 November was queried. The Senior Licensing Officer said that she had just received the relevant forms and would be circulating guidance on this shortly.

3. Medical evidence was sometimes included in taxi applications – is it possible to have them on pinks before the meeting? There were a lot of restrictions placed on the use of this type of information but specialist advice would be taken. A suggestion was that the applicant could be asked to sign a consent form agreeing the release of the information.

11. DATE OF NEXT MEETING

The committee noted the date of the next meeting, 20 April 2006. They agreed that a 2pm start would be better for all of them.

CHAIRMAN