

Committee Agenda



**Epping Forest
District Council**

Licensing Committee Thursday, 19th April, 2007

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 2.00 pm

Democratic Services Officer Adrian Hendry (Research and Democratic Services)
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors M Cohen (Chairman), Mrs P Smith (Vice-Chairman), Mrs P Brooks, R D'Souza, Mrs R Gadsby, P House, Mrs M McEwen, P McMillan, R Morgan, Mrs S Perry, Mrs C Pond, Mrs P K Rush, M Woollard, K Wright and J Wyatt

PLEASE NOTE THE START TIME OF THE MEETING

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

- 3. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

4. MINUTES OF LAST MEETING DATED 18 OCTOBER 2006 (Pages 5 - 8)

To confirm the minutes of the meeting held on 18 October 2006 (attached).

5. MINUTES OF THE LICENSING SUB-COMMITTEES

Copies of the minutes of the Sub-Committee minutes will be available for the relevant Chairmen to sign off.

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

Under the Licensing Act 2003 officers are required to report on the numbers of applications received and the determinations of those applications. Figures relate to the period up to 31st March 2007.

PREMISES LICENCE APPLICATIONS/VARIATION

Number of new applications	10
Number of renewals	29
Change of DPS	42
Number of applications for variation	2
Number of applications granted under delegated authority	6
Number considered by sub committee	6
Number of application granted subject to conditions	6
Number of application refused	0
Number of appeals to Magistrates	0
Temporary event notices	93
Reviews	1

Personal licence applications

Number of applications received	41
Number of applications granted under delegated authority	41
Number of application refused	0
Number of appeals to magistrates	0

7. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

Members are asked to review the proceedings of the Licensing Sub-Committee meetings held so far and identify any problems of procedure, policy and housekeeping that have adversely affected the running of the meetings.

8. GAMBLING ACT PROGRESS (Pages 9 - 10)

Consultation on the statement of principles began on the 31st July 2006 and ended on 20th October. The statement of principles went to cabinet on 13th November 2006 and was adopted by Council on 14th December 2006. They have been in place since 31st January 2007. Applications to convert existing licences will start to arrive as from 21st May 2007, the Act will be fully implemented as from 1st September 2007.

The Government have published guideline fees (attached) outlining the maximum fee that can be levied. Officers are consulting with other Council's (via the Essex Licensing Officers Forum) before setting the fee levels. A verbal report will be given at the meeting.

9. REVIEW OF LICENSING

It is intended to undertake a full review of all environmental health functions during the coming year. As part of this review a number of areas will be subject to particular scrutiny. One of these is licensing. The Rogers review of local authority regulatory priorities has highlighted alcohol, entertainment and late night refreshment licensing as a national enforcement priority and internally officers consider that the time is right to review public hire licensing. In order to facilitate this process a review protocol is being developed based on value for money and best value principles. Once developed members will be asked to comment on the protocol. In the mean time members of this committee are asked to think particularly about public hire licensing and those areas that they consider need changing/updating.

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

New member training to be held on 21 June 2007.

11. ANY OTHER BUSINESS

12. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for Wednesday 10 October 2007 at 2.00pm in the Council Chamber.

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** 18 October 2006

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 2.40 pm

Members Present: M Cohen (Chairman), Mrs P Smith (Vice-Chairman), Mrs P Brooks, P House, R Morgan, Mrs S Perry, Mrs C Pond, Mrs P K Rush, K Wright and J Wyatt

Other Councillors: Mrs M Sartin

Apologies: Mrs M McEwen and P McMillan

Officers Present: J Nolan (Environmental Health Manager), G J Woodhall (Democratic Services Officer), M Jenkins (Democratic Services Assistant), K Tuckey (Environmental Services) and A Mitchell (Assistant Head of Legal, Administration and Estates (Legal))

1. DECLARATIONS OF INTEREST

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

2. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

3. MINUTES OF THE LICENSING SUB-COMMITTEES

The Chairman requested a copy of the minutes from each Licensing Sub-Committee as and when they were produced. The Democratic Services Officer agreed to comply in future.

RESOLVED:

That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by the relevant Chairman as a correct record:

- 13 October 2005;
- 3 November 2005;
- 24 November 2005;
- 22 December 2005;
- 9 February 2006;
- 2 May 2006;
- 8 June 2006;
- 6 July 2006;

- 3 August 2006;
- 7 September 2006; and
- 14 September 2006

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

The Environmental Health Manager reported that the number of Personal License Applications granted under delegated authority had been 84, not 56 as shown on the agenda. None of these applications had been refused and consequently there had been no appeals to the Magistrates Court.

In respect of Premises License Applications or Variations, there had been 23 new applications received, 347 renewals and 23 Change of Designated Premises Supervisor applications received. Of these, 408 were granted under delegated authority, whilst four were considered by Sub-Committee and granted subject to conditions. As none of the applications were refused, there were no appeals to the Magistrate's Court. The Environmental Health Manager commented that the number of Change of Designated Premises Supervisors applications received had been higher than expected.

RESOLVED:

That the report to the Licensing Committee on the current situation in respect of applications under the Licensing Act 2003 be noted.

5. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee felt that the current policy of holding Sub-Committee meetings in the Council Chamber whenever possible, rather than a Committee Room, should be confirmed. In addition, it was also felt that coffee should be produced for outside the public entrance to the Chamber if a large public presence was expected for an application under the Licensing Act 2003.

The Environmental Health Manager reported that a fraudulent Hackney Carriage Drivers License application had been made, whereby the applicant had not listed their convictions. However these had been revealed after a CRB and DVLA check on the applicant.

6. GAMBLING ACT 2005 CONSULTATION

The Environmental Health Manager reported that the Gambling Act 2005 was due to come into force in April 2007, and would regulate any Casinos, Bookmakers and gaming machines that paid out prize awards of £250 or greater. The Act required the Council to draft a Statement of Principles, which had been performed in conjunction with other District Councils in Essex. The draft Statement of Principles was due to be considered by the Cabinet on 13 November 2006 and the Council on 14 December 2006.

The Environmental Health Manager added that the consultation exercise had elicited three responses. The non-Conformist Churches had requested to be added to the list of consultees, which the Committee agreed. Loughton Town Council had suggested the removal of the sentence "This authority will not apply a rigid role to its decision making" in paragraph (3) of Section (5). However, the Committee felt that the flexibility to consider each case on its own merit should be retained and rejected this request.

The British Bookmakers Association had made the following suggestions to the Committee: -

- That door supervisors were not required at betting offices unless there was clear evidence that public order could not be maintained from the counter;
- That there was no evidence to regulate betting machines within betting offices; and
- That as some bookmakers had numerous betting offices within the District, there should be a single named point of contact for each operator.

The Committee felt that as each case should be considered on its merits, it would reserve the right for the Sub-Committee to determine whether door supervisors were required at a particular betting office, or whether betting machines should be regulated. The Committee agreed that operators with multiple offices within the District could provide the Council with a single, named point of contact, provided that the individual concerned had responsibility for the premises in question.

The Environmental Health Manager reminded the Committee that the Gambling Act 2005 did not extend to either the National Lottery or Premium Bonds.

RESOLVED:

That the draft Statement of Principals be endorsed, subject to the following amendment:

- (a) The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single, named point of contact, who should be a senior individual with responsibility for the premises in question and whom the authority will contact first should any compliance queries or issues arise.

7. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee noted the Gambling Act 2005 training that had been scheduled for 29 November 2006. In order to broaden the knowledge of licensing procedures, it was suggested that the Sub-Committees should contain a mixture of experienced and less experienced members, and that informal discussions should be held after each meeting. The Democratic Services Officer reminded the Committee that one problem facing members was the infrequency of licensing meetings, as on average they would only undertake a meeting every four months.

8. DATE OF NEXT MEETING

The next meeting of the Licensing Committee had been scheduled for Thursday 19 April 2007 at 2.00p.m. in the Council Chamber.

CHAIRMAN

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**Gambling Act 2005 – LACORS premises licence fees toolkit republished 28th March 07
Annex E – fees published to date**

Premises Licence Fees published in regulation SI 2007 / 479 – These fees are maximums only and local authorities must set their own fees on the basis of cost-recovery.

Premises Type	Transitional Fast-Track Application £	Transitional Non-Fast Track Application £	New Application £	Annual Fee £
Existing Casinos	300	2000	n/a	3000
New Small Casino	n/a	n/a	8000	5000
New Large Casino	n/a	n/a	10000	10000
Regional Casino	n/a	n/a	15000	15000
Bingo Club	300	1750	3500	1000
Betting Premises (excluding Tracks)	300	1500	3000	600
Tracks	300	1250	2500	1000
Family Entertainment Centres	300	1000	2000	750
Adult Gaming Centre	300	1000	2000	1000

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
Existing Casinos	2000	1350	1350	n/a	n/a	25	50
New Small Casino	4000	1800	1800	8000	3000	25	50
New large Casino	5000	2150	2150	10000	5000	25	50
Regional Casino	7500	6500	6500	15000	8000	25	50
Bingo Club	1750	1200	1200	3500	1200	25	50
Betting Premises (excluding Tracks)	1500	1200	1200	3000	1200	25	50
Tracks	1250	950	950	2500	950	25	50
Family Entertainment Centres	1000	950	950	2000	950	25	50
Adult Gaming Centres	1000	1200	1200	2000	1200	25	50

**Gambling Act 2005 – LACORS premises licence fees toolkit republished 28th March 07
Annex E – fees published to date**

Permits – These fees are set by the Secretary of State and the licensing authority has no discretion to change them. SI 2007 / 454 & SI 2007 / 455.

Fee Type Permit Type	Application fee	Annual fee	Renewal fee	Transitional Application Fee
FEC Gaming Machine	300	N/A	300	100
Prize Gaming	300	N/A	300	100
Alcohol Licences Premises – Notification of 2 or less machines	Draft = £50	Await draft regulations	Await draft regulations	Await draft regulations
Alcohol Licences Premises – More than 2 machines	Draft = 150	Draft = 50	N/A	Draft = 100
Club Gaming Permit	Draft = 200	Draft = 50	Draft = 200	Draft = 100
Club Gaming Machine Permit	Draft = 200	Draft = 50	Draft = 200	Draft = 100
Club Fast-track for Gaming Permit or Gaming Machine Permit	Draft = 100	Draft = 50	Draft = 200	N/A
Small Society Lottery Registration				

Permit - Miscellaneous Fees

	Change of Name £	Copy of Permit £	Variation £	Transfer £
FEC Permits	25	15	N/A	N/A
Prize Gaming Permits	25	15	N/A	N/A
Alcohol Licences Premises – Notification of 2 or less machines	Await draft regulations	Await draft regulations	Await draft regulations	Await draft regulations
Alcohol Licences Premises – More than 2 machines	Draft = 25	Draft = 15	Draft = 100	Draft = 25
Club Gaming Permit	N/A	Draft = 15	Draft = 100	N/A
Club Gaming Machine Permit	N/A	Draft = 15	Draft = 100	N/A
Small Society Lottery Registration				