

- (v) 5 July 2007;
- (vi) 2 August 2007; and
- (vii) 6 September 2007.

5. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003

The Environmental Health Manager reported that in respect of Premises License Applications or Variations, there had been 2 new applications, 360 renewals, 49 Change of Designated Premises Supervisor applications, and 5 applications for variation received. Of these, 14 applications were granted under delegated authority, whilst 5 were considered by Sub-Committee and granted subject to conditions. A single application had been refused but there had not yet been an appeal to the Magistrate's Court. In addition, 145 Temporary Event Notices had also been granted, and 43 Personal Licence applications had been received and granted under delegated authority.

The Environmental Health Manager advised the Committee that, whilst the alleged problems at the recent polo match held at Gaynes Park had been reported in the Crime and Disorder Reduction Partnership Bulletin, the Environment and Street Scene Directorate had received nothing for consideration. The Committee were informed that there might be some noise pollution issues to investigate and the Environmental Health Manager undertook to liaise with the Safer Communities Coordinator accordingly. The Council had received no feedback as to why the refused application had not appealed to the Magistrates Court as expected. The Committee were informed that currently complainants of the Council's Licensing function received a survey card to complete and return. The Committee felt that this facility should be extended to all applicants.

RESOLVED:

- (1) That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2003 be noted; and
- (2) That the Licensing User Satisfaction Survey card, currently only given to complainants, be extended to all applicants for the Council's Licensing Function.

6. APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005

The Environmental Health Manager reported upon the applications received under the Gambling Act 2005. The Committee were informed that 23 applications had been received in the period up to 25 September 2007, but only 13 of these applications had been granted. The Council had not been satisfied that the 10 premises whose applications had been rejected had received the necessary clearance from the Gambling Commission. It was anticipated that, in respect of the fees charged, the service would break even by the end of the year. The Committee were also reminded that, when considering an application under the Gambling Act 2005, the number of other betting premises in the immediate vicinity should not be taken into account.

RESOLVED:

That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2005 be noted.

7. MISCELLANEOUS LICENSING APPLICATIONS RECEIVED

The Environmental Health Manager reported upon the miscellaneous Licensing applications that had been received in the period up to 30 September 2007. Two applications were granted: for a sex shop at North Weald; and four gaming machines at the Last Post Public House in Loughton. An application for a Street Trader's Licence at Rebel's Diner in Waltham Abbey had been revoked. The Committee were advised that initially the Council had been informed that the applicant intended to seek a judicial review of the decision, and legal advice had been that the applicant should be allowed to continue to trade until the review had been completed, in order to minimise costs. However, the Council had been recently informed that the applicant would not now seek a judicial review; a letter had been sent to the applicant to cease trading and the Council would prosecute the applicant if trading continued.

RESOLVED:

That the report to the Licensing Committee regarding the miscellaneous Licensing applications received be noted.

8. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Vice-Chairman commented that, following the last review when meetings of the Licensing Sub-Committee had been moved from the Committee Rooms to the Council Chamber, the meetings had worked better. The Environmental Health Manager felt that it was better for the Sub-Committee to leave the Council Chamber for their deliberations, rather than the participants.

The Committee considered whether the same Sub-Committee, or at least the same Chairman, should be allocated for meetings where there was a further application from the same applicant or premises, in order to provide some continuity. The Committee were reminded that each case should be judged on its merits, and the applicant might possibly feel that the Council was being biased against the application if the same Councillors or Chairman were sitting on the subsequent Sub-Committee.

RESOLVED:

That the current rota system, which had been in operation since the inauguration of Licensing Sub-Committees, be retained.

9. REVIEW OF THE COUNCIL'S LICENSING FUNCTION

The Environmental Health Manager reported that the review of the Council's Licensing function had been temporarily suspended as a result of the current top management restructure. In future, the two different aspects of Licensing would be in different Directorates: the aspect that dealt with applications and the Licensing Sub-Committees would be in the Corporate Support Services Directorate; whilst the enforcement aspect would remain in the Environment and Street Scene Directorate. As a result of the top management restructure, the Environmental Health Manager confirmed that this would be the last meeting of the Licensing Committee that he would attend.

10. REVIEW OF LICENSING POLICY

The Environmental Health Manager reported that the triennial review of the Council's Licensing Policy was in progress. The Policy was currently being subjected to a wide-ranging consultation, but no comments had yet been received. The reviewed Policy was scheduled to be agreed by the Cabinet at its meeting on 4 February 2007. The Committee were reminded that, as the Cabinet would formally agree the reviewed Policy, the Licensing Committee were statutory consultees.

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

The Environmental Health Manager advised the Committee that there was no further training considered necessary for the members tasked with discharging the Council's Licensing Function, over and above that which had been organised.

The Committee requested that the Divisional Licensing Officer from Essex Police be asked to give a seminar on their approach to Licensing Act 2003 applications, as the Police seemed to make infrequent representations to such applications. The Environmental Health Officer advised that the Police would normally make representations in relation to crime and disorder concerns for Licensing Act 2003 applications, but suggested that the Divisional Licensing officer be invited to the next meeting of the Committee in April 2008. The Committee also felt that the Safer Communities Coordinator and Anti-Social Behaviour Coordinator should be asked to urge Essex Police to make more representations at future meetings of the Crime and Disorder Reduction Partnership.

RESOLVED:

- (1) That the Divisional Licensing Officer from Essex Police be invited to the next meeting of the Licensing Committee to give a seminar on the approach by Essex police to Licensing Act 2003 applications; and
- (2) That the Safer Communities Coordinator and Anti-Social Behaviour Coordinator at future meetings of the Crime and Disorder Reduction Partnership be requested to encourage Essex Police to make more representations in respect of Licensing Act 2003 applications.

12. MATTERS ARISING

The Environmental Health Manager confirmed for the benefit of the Committee that any planning matters in respect of a Licensing application should be dealt with by the relevant Area Planning Sub-Committee not the Licensing Sub-Committee. Councillor Mrs R Gadsby stated that she might have to consider her position in relation to any applications that were being represented by her husband's firm, Foskett Marr Gadsby & Head.

As this was the Environmental Health Manager's last meeting, following the top management restructure, the Chairman thanked the officer for his hard work over the years in the discharge of the Council's Licensing function, and in particular highlighted the debt of gratitude owed by the Committee for the successful implementation of the Licensing Acts 2003 and 2005.

13. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 16 April 2008 at 2.00pm in the Council Chamber.

CHAIRMAN