

(v) 7 February 2008; and

(vi) 6 March 2008.

18. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003

The Assistant Director of Legal Services reported that, up to 31 March 2008, in respect of Premises License Applications or Variations, there had been 8 new applications, 7 renewals, 38 Change of Designated Premises Supervisor applications, and 10 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 and there had not yet been an appeal to the Magistrate's Court. In addition, 37 Temporary Event Notices had also been granted, and 37 Personal Licence applications had been received and granted under delegated authority. It was noted that under the Gambling Act 2005, 3 Betting Office Applications had been granted and 1 Club gaming permit granted.

RESOLVED:

That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2003 and the Gambling Act 2005 be noted.

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

RESOLVED:

That the Committee were satisfied with the current procedures of the Licensing Committee and the Sub-committee meetings.

20. REVIEW OF THE LICENSING FUNCTION

The Chairman welcomed Simon Fisher, the Divisional Licensing Officer for Essex Police, who was there at the invitation of the Committee. They had concerns that they had not received many objections from the Police. He was asked to take the Committee through their procedure on how they decide to object (or not) to any particular application. Mr Fisher said that when an application was received, if they have any concerns they carry out a full investigation, including interviews. If they continued to have concerns then they would take it to the District Licensing Sub-committee. If, for example, they have a problem with personal criminal convictions they will talk to the person concerned and see if they can sort it out. This can have the effect to cause the application to be withdrawn. When it comes to Licensing Sub-committees, they do go through all applications and would have negotiated with applicants to modify or withdraw their application. Only a very few will need to be brought to the Sub-Committee. The cases that they have brought recently to the Sub-Committee have been led by Counsel, who was complementary about the way it was handled and the speedy way it was dealt with. Any infringements that we may receive intelligence about, we investigate and give out warnings etc.

Mr Fisher was asked about a recent Sub-committee meeting that reviewed a licence. The review was refused because of the low quality of evidence presented. The evidence was supplied by ECC and not the Police. Councillor Cohen remarked that the second set of proceedings were prosecuted by Counsel and were presented in a more legal way. As this sort of application was looking at taking away someone's livelihood, it was only right for it to be more formal. In future will you continue to use the services of Counsel? Mr Fisher replied that it was difficult to answer this. If the other side was to be represented by Counsel then they would like to have their own Counsel there, other wise he would handle the case.

Councillor Morgan remarked that the evidence was much better for the second case. Mr Fisher agreed, saying the Trading Standards had learned from the previous cases. They were conscious that it had to be done properly, with enough evidence being presented. The Senior Licensing Officer commented that the Trading Standards people were surprised at the formality of the meeting and embarrassed that they did come completely prepared and will do better next time.

Councillor Cohen asked if the police were constrained by Trading Standards taking the lead. Mr Fisher replied that the Home Office has said that Trading Standards must take the lead. They were learning and getting better at presenting their cases.

Councillor Wyatt asked if they ensured that the young people used in test purchasing lived some way from the shop being tested. Mr Fisher confirmed that they were all drawn from different areas well away from the test areas to ensure that they are not known.

Councillor Mrs Smith said that the public were not aware of the background checks that the Police do for the applications and how they filter out the issues in the background. Could they not communicate this to the Neighbourhood Action Groups? Mr Fisher replied that they would if they were informed of their concerns. It was noted that the quality of evidence at a hearing had to be off the same standard of a criminal case.

Councillor Cohen commented that he had never heard a Police Officer ask an accused from "which premises you came from". Mr Fisher said that the custody sergeant had a set number of questions to ask and the 'where their last drink was' was one of these.

The Chairman remarked that the premises serving someone who was the worst for wear should be asking these types of questions before they served them. Mr Fisher commented that some of the demands placed on the licensees by their parent companies were unrealistic. They have to make more money and so will do anything possible to get their margins up. There was great competition out there. He was a one man band, strapped for resources.

The Chairman thanked Mr Fisher for coming to this meeting and wanted to formally record the Committee's thanks for all the hard work he has done in his role as Divisional Licensing Officer.

21. LICENSING POLICY REVIEW

Councillor Mrs Smith asked about possible concession for green taxis. The Senior Licensing Officer said that they were currently looking at the new business plan, which involved all things covering taxis. They would bring their conclusions to members when the report is done. This will also include proposals for the Langston

Road MOT service for taxis. Currently there is some debate whether Langston Road is to be sold off. EFDC would have to reconsider their options if this is done.

Councillor Cohen said that there were some concerns over the fees being charged under the Gambling Act; are we covering our costs? The Senior Licensing Officer said she would find out and get back to the committee on this.

ACTION: to report back on the fees charged under the Gambling Act.

22. LOUGHTON TOWN COUNCIL

The Committee noted the concerns and observations offered by the Loughton Council Town Clerk in her letter of 14 February 2008.

They noted that:

- the procedures of the Sub-Committee were always read out at the start of a case and also appears on the agenda;
- the venue is considered by the Committee to be the most appropriate, they have tried other venues, such as the Committee Rooms but they did not work as well;
- the cases, especially for Taxi licences, do not last very long; and
- the Chamber has very good microphones, so sound should not be a problem.

RESOLVED:

To keep to using the Council Chamber for all Licensing Meetings where possible.

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

1. The Committee noted that a Sub-committee should be made up of experienced and novice members and that all members should have a chance to chair a meeting at least once.

2. The Committee agreed that a chairman does not necessarily have to continue all day, and can change. However, a Chairman must sit through an entire application and not change halfway through.

24. DATE OF NEXT MEETING

1. The Committee noted the date of the next scheduled meeting.

2. As this was the last Committee meeting of the year, the members wanted to give a vote of thanks to the officers for their hard work during the year. This was also the last meeting for the Chairman of the Committee, Councillor Woollard, who was stepping down as a Councillor at the end of the year. The Committee wanted to express their thanks to him for all his hard work on the committee during the year.

CHAIRMAN