

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 14 December 2016 at 18:00

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

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Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

Facilities

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COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 14 December 2016 at 18:00

Member:

Councillor Nick Cope
Councillor Dave Harris
Councillor Roger Buston
Councillor John Elliott
Councillor Mike Hogg
Councillor Darius Laws
Councillor Patricia Moore
Councillor Philip Oxford
Councillor Lee Scordis
Councillor Jessica Scott-Boutell

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

4 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 Minutes

To confirm as a correct record the minutes of the meeting held on 19 October 2016

19 October 2016 minutes

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6 Have Your Say!

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to the terms of reference of the Committee/Panel not on this agenda.

7 Member Training Review

9 - 14

See report from Head of Professional Services

8 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

LICENSING COMMITTEE

19 October 2016

Present: - Councillor Nick Cope (Chairman)
Councillors John Elliott, Dave Harris, Mike Hogg,
Darius Laws, Patricia Moore, Lee Scordis and Jessica
Scott-Boutell

Substitute Member: - Councillor Pauline Hazell for Roger Buston

9. Minutes

RESOLVED that the minutes of the meetings held on 25 May and 4 October 2016 were approved as a correct record.

Councillor Hogg (in respect of the fact that he was the premises licence holder of the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

10. House of Lords' Select Committee

The Committee considered a report by the Head of Professional Services setting out the Council's response following the request for information on the operation of the Licensing Act 2003, from the House of Lords' Select Committee on licensing.

The Select Committee had been established in May 2016 to look at the effectiveness of the Licensing Act 2003. Local Authorities were requested to submit their views by way of written evidence and attached to the report was an outline of the response sent by the Licensing, Food Safety Manager; the original response had been submitted by way of an online form.

The Select Committee was gathering evidence in relation to the balance between the rights and responsibilities of both the industry and the public; the powers of enforcement authorities including the police; the impact that any greater availability of alcohol had had on the health of the population; whether the Act had made it easier or harder for communities to enjoy activities that had to be licensed under the Act; the role of licensing in shaping local areas for the benefit of the economy and the local community; minimum unit pricing and its potential impact; and the fees and costs associated with the Act. The Select Committee was expected to report on its findings in March 2017.

The Committee gave consideration to the questions and response that had been submitted and in particular welcomed the inclusion of a licensing objective to cover health and the

suggested changes to the late night levy which may enable the Council to target any such introduction to the town centre. These were both matters that had been raised in Committee discussions and with officers on numerous occasions.

RESOLVED that the consultation response be noted.

14 December 2016

Item 7

Report of	Licensing, Food Safety Manager	Author	Jon Ruder ☎ 282840
Title	Member Training		
Wards affected	All		

This report concerns proposed changes to the structure and delivery of the member development programme for licensing

1. Decision Required

- 1.1 To consider making changes to the Member Development Programme for Licensing Committee to ensure it meets the needs of Members and the operational needs of the service whilst being provided as soon as possible.

2. Supporting Information

- 2.1 The Constitution requires that Members of the Licensing Committee shall have undertaken suitable training in accordance with the criteria set out below -

- Attendance must be at the training session provided within the context of the members training programme;
- Attendance must be for the duration of each training session, at least every other year;
- Membership of the Committee does not provide any exemption from attendance at training session;
- A record of attendance at training session will be maintained and updated each year by Committee Services and will be circulated to all members for approval following each training session.

- 2.2 Attached at Appendix 1 is an overview of the current training scheme.

3. Matters for Consideration

- 3.1 Attached at Appendix 2 is an Option Paper on Member Training which sets out the issues and possible options for consideration by the Committee.

4. Links to other Training

- 4.1 The Council has been awarded Charter Status for Elected Member Development. This is external accreditation of its member development processes. The key elements of the Charter are that Council has to demonstrate that member development is member led and that structures and processes are in place to deliver development that the meets members needs and the Council's corporate objectives. In addition strategies must be in place to evaluate the benefits development brings, both individually and to the Council as a whole.

- 4.2 The current training scheme for Licensing Committee members is in line with the principles of the Charter. It sets out a tailored approach to meet the specific needs of the Committee and to ensure that the members have the necessary skills and experience to fulfil their role on the Committee. The suggestions made to amend some of the processes would, if adopted, still deliver a scheme that was in line with Charter principles.
- 4.3 In addition a number of wider initiatives that have been introduced as a result of the Council's work on Charter Status, such as Training Needs Analyses, are currently being looked at the Member Development Group. These have a Council wide application but will also be of use in ensuring Licensing Committee members have the necessary training.

5. Standard References

- 5.1 There are no publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

Member Development Programme An Overview

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The Licensing Committee is unlike the vast majority of the Council's committees in that it operates in a quasi judicial manner and the majority of its decisions can be appealed by any of the parties involved to the Magistrates' and Crown Courts. The Member Development Programme for Councillors on the Licensing Committee has been developed to ensure that members are adequately equipped for the demands placed upon them in this environment. The scheme recognises the different needs of new and existing members of the Licensing Committee and a summary of the scheme is set out below.

New Member Development

- **Introductory Training**
 - Introduce the relevant officers
 - Committee procedure rules
 - Roles and responsibilities
 - Explanation of the training programme
- **Core training**
 - Key Knowledge – the acts relating to licensing (in particular the Licensing Act 2003 and hackney carriage/private hire licensing), responsibilities under the crime and disorder act and human rights, equality and diversity. Council officers are there to advise the Committee on law, practice and procedure however, members are required to have some knowledge of legal principles, common procedures and structured decision making tools. Members will also need to attend the compulsory sessions offered under the modular programme for existing members as these modules cover areas fundamental to the operation of the Committee.

Key Skills – for members to determine their own training requirements from the sessions provided under the member development charter. The skills of particular relevance to licensing are communication and challenge skills.

Observation of meetings – You will need to observe two Licensing Sub-Committee Hearings dealing with Licensing Act applications and one Licensing Sub-Committee meeting dealing with a hackney carriage appeal before being able to hear and determine an application/appeal.

Review – to take place at the end of the municipal year to provide a mechanism to enable members to appraise the training provided and possibly to suggest topics for inclusion in the modular programme.

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Existing Member Development

The Member Development Programme for Licensing Committee members requires that existing members should attend some or all of the modular training sessions provided during the course of the Municipal Year. The modules are divided into compulsory and optional modules. The compulsory modules must be completed by all members of the Licensing Committee as they are integral to the operation of the Licensing Committee and the role of members on it. Optional modular units will be on broader licensing issues and are designed to broaden the depth of licensing knowledge of members.

- **Licensing Development Programme**
 - Committee Reviews - using post sitting reviews to identify good practise and identify any problems.
 - Modular Training units - to attend any compulsory modules held during the year and to choose further sessions from those offered under the programme, the choice to be members and chosen to address their training needs. Details of these sessions will be circulated during the year.

A detailed explanation of the Member Development Programme relevant to you is enclosed with this pack.

Purpose

To decide how to progress member training to ensure it meets the needs of Members and the operational needs of the service whilst being provided as soon as possible.

Background

The Licensing Committee has a specific training scheme designed to ensure members are equipped to meet the challenges presented by their Committee work and to ensure that it remains relevant and up-to-date to reflect the changing nature of licensing. The review is necessary to address the ongoing issue of providing training quickly for newly elected Councillors and the particular problems presented this year with the appointment to the Committee of 5 new members. This has meant that the work of the Committee so far this year has been considered by a small number of trained Councillors.

Issues

Delivery of 'basic' legislation based training

Challenges – time and member availability.

Suggestions – Arranged early and Groups advised prior to election when it is. It's vital that members of the Committee make themselves available for this training and it would be useful if Groups could take account of members' availability to attend the relevant training in making nominations to the Committee. It must be acknowledged that there is no guaranteed possibility of providing this training at another time nor in a specific location or at a specific time given the small number of trainers and the fact that training sessions are clustered around the election period when demand is at a peak.

Observation of Committees

Challenges – inability to predict when meetings will take place and member availability.

Suggestions – to consider reducing the observations of Committee to one each of Hackney/Private Hire Appeals and Licensing Sub-Committee and to explore the possibility of recording either an actual hearing/appeal or mock hearing/appeal and use for training purposes.

Changes in Committee Membership

Challenges – large scale changes in membership result in a very small almost unworkable number of members to sit on Committees threatening the Council's ability to fulfil its statutory duties. It also results in the loss of expertise built up by members over the years and potentially threatens the ability to make reasoned and sometimes difficult but necessary decisions.

Suggestions – It is recognised that some changes are unavoidable as a result of the election process. However, where possible it is suggested that when nominations to the Committee are proposed, it is taken into consideration that some meetings are held during the day and therefore members who do not work or are able to accommodate such demands within their working week are likely to have greater capacity to sit and will help avoid the burden being placed on a small number of members. The Council could also consider succession planning for members so that some can be trained and observe Committees in advance of sitting as a member on the Committee.

Modular Training for Existing Councillors

Suggestions – information sessions delivered by partner agencies and other parties on topics of relevance to the work of the Committee should be provided before/after Licensing Committee.

Ongoing training and feedback

Suggestions – the Chairman, Deputy Chairman and Groups Spokespersons in their discussion with officers have suggested that there should be an opportunity for Councillors and officers to exchange views of the outcome of hearings and appeals as part of an ongoing learning process. Consideration needs to be given to the timing of this.

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