

**Seminar: Licensing Issues
Note of the main points discussed
3 November 2009 at 6.30pm
East Northamptonshire Council**

Present:-
Councillors –

Glenn Harwood MBE – ENC (**Chairman**)

Pauline Bradberry JP – ENC
Albert Campbell – ENC
David Dean JP – BCW
Richard Gell – ENC
Ray Lilley – CBC
Peter MacGovern - ENC
Andy Mercer – ENC
Gill Mercer – ENC
Brian Northall – ENC
Alan Pote – KBC
Rupert Reichhold - ENC
Ron Silver – ENC
Robin Underwood – ENC
Derek Zanger – KBC

Police Licensing:
Chief Inspector Nick Purdie
Andy Glover
Kev Murphy

BCW Licensing:
John Casserley
Sally Rice

ENC:
Mike Deacon – Head of Environmental Services
Tom Morrisey – Licensing Enforcement Officer
Keith Osborne – Democratic Services Manager
Julia Smith – Commercial Health Manager

		Action
1.0	Apologies	
1.1	There were no apologies.	
2.0	Welcome and Introductions	
2.1	Cllr Glenn Harwood welcomed everyone to the second Seminar, especially Chief Inspector Purdie and his colleagues from Police Licensing. All present introduced themselves.	

3.0 Notes of Previous Seminar and Matters arising

3.1 The notes of the last Seminar, held on 5 May 2009, were received.

3.2 The following matters were raised:-

- Minute 5: Harborough DC had utilised the short term licensing policy supplied by ENC
- Minute 5: Cllr Alan Poe urged members of Licensing Panels to stand firm if they believed they had the right case and not to be “browbeaten” by barristers
- Minute 5: Julia Smith had sought advice from James Button on (a) whether Councillors who were also magistrates should sit on Panels and (b) sharing information. He did not see a problem with (a) provided that Councillor who had sat on a Panel did not hear any subsequent appeal or prosecution. There was no problem in principle on (b) although some practical issues had to be overcome, particularly with neighbouring authorities in other Counties. One aspect to overcome was harmonisation of policies.

4.0 Delegation Arrangements

4.1 Picking up from the advice from James Button, the Chairman stressed the importance of harmonisation of practices, delegation arrangements and policies. On this theme, Julia Smith asked invited representatives from the Councils present to outline the practices and delegation arrangements for the determination of taxi licences, house to house licences and other environmental health licences.

4.2 Information was provided as follows although some representatives asked for time to confirm the arrangements:-

East Northamptonshire:

Taxis – most applications dealt with by Officers but those drivers’ applications where CRB checks reveal cautions or convictions go to Panel, and vehicle licences over limit of 36 can be considered by Panel. The limit was specific to a group of vehicles having an exemption from the Disabled Accessibility regulations. The delegation was due to be changed to allow Officers to renew drivers’ licences where no CRB DVLA or other adverse reports since last Panel determination

House to House Collections – Officers have ability to approve but applications where they are minded to refuse dealt with by Members (currently panel of Policy & Resources Committee)

Other Licences – All delegated to Officers

Kettering:

Taxis – Believed that all licences considered by Panel

Other licences – Dealt with by Officers

Wellingborough:

Taxis – If caution revealed by CRB check, Officers determine, otherwise Panel decisions

Other Licences - Officer delegation but if concerns are raised, can go before Panel

Corby:

Taxis – Believed that drivers' licences determined by Panels but vehicle licence applications dealt with by Officers unless there is a specific request for a Panel decision.

- 4.3 It was **agreed** that a spreadsheet be circulated to all the Councils with a request that full details of delegation arrangements be included and returned. **JS – circulate spreadsheet**

- 4.4 Mike Deacon suggested that agreement should be reached on harmonisation of decision making on all licences to secure consistency. A start could be made with Councils in North Northamptonshire and then extend it to other Councils in the County. Some representatives felt that they did not have a mandate to agree but that they could consult their Councils and report back. It was therefore **agreed** that the following conclusion be commended to the four Councils:-

“That the four local authorities of Corby, Kettering, Wellingborough and East Northamptonshire in consultation with the North Northamptonshire BCU, agree to develop a consistent approach to decision taking on all licensing applications both in terms of those applications to be determined by appropriately delegated Officers and those to be referred for consideration by Licensing Panels/Committees”

All 4 Councils (ENC – Licensing Committee – March 2010)

5.0 Alcohol Disorder Zones (ADZs)

- 5.1 Cllr Ray Lilley, CBC, drew attention to recent legislation which allowed areas having a number of licensed premises close together to tackle disorder by the deployment of extra police officers – the cost of which would be borne by the pubs and clubs themselves. He felt ADZs might be appropriate for Corby, Kettering and Wellingborough town centres. The approach was being piloted in Teignmouth.

- 5.2 Chief Inspector Purdie indicated that the Police would be prepared to discuss this issue. The general view of those attending the Seminar was that further information on this scheme was needed before considering further; Cllr Andy Mercer felt that there could be reluctance by licence holders to contribute towards this and that ADZs might act as a magnet to troublemakers.

- 5.3 It was **agreed** that it would be helpful for a presentation or report to be made to the next Seminar on the full implications of, and issues surrounding, Alcohol Disorder Zones. **JS – LACORS**

6.0 Police Attendance at Licensing Panels

- 6.1 The Chairman underlined the need for Licensing Panels to have sufficient evidence from the Police to enable a full picture to emerge and “common sense” decisions to be taken by Panels. A barrister speaking at a recent licensing conference in York had emphasised the importance of Police evidence and the attendance of Police and witnesses at hearings. A recent licence review at ENC had shown that, when such evidence was requested and given, Panels were felt more empowered to take appropriate decisions. He thanked the Police for their co-operation.
- 6.2 The representatives from Police Licensing acknowledged that they had not, until relatively recently, called for many reviews but, with an emphasis now on training and education, they were “getting their act together”. They had, over the last 12 months, pressed for licensing to be a higher priority for the policeman on the beat, and had concentrated on improving procedures for the “harvesting of evidence”. Advice on how the Police should put forward evidence had been given at the York conference.
- 6.3 The Police had been confused by the different methods used by licensing authorities for the presentation of evidence at hearings. The Police would decide on the most “daunting” incidents; would work on “best evidence”; and would attend hearings armed with such evidence.
- 6.4 Cllr Andy Mercer called for a single protocol for licensing authorities in Northamptonshire. It was confirmed that County legal officers were addressing this issue. Chief Inspector Purdie indicated that he could not guarantee Police officers at every hearing but wished to be pragmatic. There had to be a process for the Police to identify the Panel hearings for which licensing authorities wanted evidence the most. Cllr Pauline Bradberry (a JP) indicated that the Courts often rely on Section 9 evidence which did not require the presence of Police. However, others acknowledged that, in some cases, applicants or their advocates could challenge written evidence, and without witnesses, Panel members may not be able to give sufficient weight to Police objections.
- 6.5 The meeting welcomed the encouraging comments made at the Seminar on this issue.

7.0 Identifying best practice

- 7.1 The following aspects of best practice were raised by the respective representatives and commended -
- **KBC:** Need for the Licensing Enforcement Officer to make visits to licensed premises unannounced
 - **ENC** Licensing Committee members accompanying the Licensing Enforcement Officer on some visits

- **Police Licensing:** Partnership approach – whereby Licensing Enforcement Officer engages with the Unit (practice at ENC) encouraged.

8.0 Other Issues Raised

8.1 The Seminar discussed the following other matters, raised by the representatives indicated in brackets:-

- **House to House Collections (Cllr Andy Mercer, ENC)**
Attention was drawn to a recent case where a licence had been refused as it could not be proven that the charity existed; it was not registered with the Charities Commission. ENC was liaising with Trading Standards and was pursuing a multi-agency approach.
- **Training (Cllr David Dean, BCW)**
ENC was thanked for organising four sessions of training on Liquor and Taxi licensing training in June and September at Thrapston. It was suggested that, for future training sessions, and Seminars, the contact at BCW to “spread the word” amongst Licensing Committee members should be John Casserley.
- **Future Training (Cllr Andy Mercer, ENC)**
Training on questioning techniques was planned for a future date and there would be refresher training conducted in 2010 and subsequent years. It was anticipated there would be places for members from adjoining Councils. **KO – Finalise**
- **Awareness Sessions on Magistrates Court procedures (KBC)**
It was suggested that Licensing Panel members would find this useful. **PB to investigate**
- **Overcharging of Taxi fares (BCW)**
The difficulties being experienced were outlined. ENC tended to build up a picture from complaints and then conduct an investigation. Representatives acknowledged that harmonisation of practices was needed.
- **Lobbying Group (Cllr Gill Mercer, ENC)**
The outcome of the efforts being made by Daventry DC were still awaited.
- **Dual Membership of Licensing and Planning Committees (Cllr Gill Mercer, ENC)**
This issue had been raised at the last Seminar. Keith Osborne had discussed it with ENC’s Solicitor. Whilst there appeared to be no urgent need to prevent members from serving on both Committees, the choice of members to hear a licensing application would have to take account of any participation in the determination of a planning application for the same premises and seek to avoid the prospect of a challenge on the grounds of predetermination. Generally however, the skills required by

members (especially observance of the rules of natural justice) were applicable to both types of decision making body and there were advantages in dual membership.

- **Licensing Unit (Julia Smith, ENC):**
LACORS had included the Unit in its Best Practice guidance.

9.0. Future meeting

- 9.1 A further Seminar would be held in 6 months' time. ENC would e-mail representatives with a suggested date.

**Julia Smith/
Keith
Osborne**