

Proposed Annual Meeting with Essex Police, Responsible Authority under the Licensing Act 2003

Background Papers:	None
Corporate Implications:	Please refer to table at end of report
Options:	To agree the proposed terms of reference for the proposed Annual Meeting with Essex Police. To amend the proposed terms of reference for the proposed Annual Meeting with Essex Police. To decline the invitation for a proposed Annual Meeting with Essex Police.
Risks:	Without agreed terms of reference the Licensing Committee may receive information which could be perceived as influencing a later decision.

Executive Summary

The Members of the Licensing Committee received an invitation from Essex Police to hold an Annual Meeting to discuss licensing matters affecting the District. Essex Police are a Responsible Authority under the Licensing Act 2003 and to protect the Council's position as the Licensing Authority it is necessary to have an agreed set of terms of reference for the Annual Meeting to minimise any allegation of bias or pre-determination as a result of any discussion that may take place. Members are asked to approve the terms of reference as set out in this report.

Decision

That the Licensing Committee approves the terms of reference as set out in this report.

Background

Under the previous licensing legislation and regime, Essex Police attended an Annual Meeting with the Essex Magistrates Court in January of each year. The meeting provided an opportunity for the Magistrates to receive information from the Police regarding licensing matters from the previous 12 months.

Following a Licensing Hearing, the Governance Lawyer was approached by the Licensing Officer for Essex Police – Central Division with an invitation for the Licensing Committee to have an Annual Meeting with Essex Police.

The Licensing Officer considered that it would be beneficial for the Licensing Committee to receive similar information and it would provide the Police with an opportunity to discuss licensing matters with the Committee.

At the Licensing Committee meeting on 15th July 2009, the Governance Lawyer informed the Licensing Committee of the invitation and after a discussion in respect of its concerns, the Committee requested that the Governance Lawyer draft terms of reference for the proposed Annual Meeting and bring the matter back to the next Committee meeting.

Implications for the Licensing Committee

Members of the Licensing Committee will be aware that Essex Police are a Responsible Authority under the Licensing Act 2003, which gives them the power to make representations in respect of Licensing Applications and to also make applications for reviews and they could appear before Members of the Licensing Committee at Licensing Hearings (Licensing Sub-Committees) on a regular basis.

Whilst there is nothing preventing the Licensing Committee from meeting with Essex Police, arrangements need to be put in place to minimise any allegation of bias or pre-determination. This could be achieved by conducting the Annual Meeting in public thus demonstrating transparency and working to an agreed set of terms of reference. Essex Police could be invited to give a presentation to the Licensing Committee at the first meeting in the New Year (2010) as part of the public meeting which also enables the public to attend and listen to what is being said.

Proposed terms of reference

- The Annual Meeting will be held in public at the first meeting of the Licensing Committee in the calendar year.
- The Annual Meeting will be in the form of a presentation. The presentation by Essex Police to consist of statistical information relating to the Licensing Objective of the prevention of Crime and Disorder with the opportunity for the Licensing Committee to ask questions in relation to the presentation.
- Before the Annual Meeting, an outline of the presentation and any supporting information intended to be presented will be submitted to the Legal Advisor to the Licensing Committee 5 working days before the meeting.
- Any contact by Essex Police with Members of the Licensing Committee, including the distribution of any information, will be made via the Council's Member Services Officers.
- The Licensing Committee will not discuss any decision of the Licensing Sub-Committees made under the Licensing Act 2003.
- Essex Police will not engage the Licensing Committee with the purpose of consulting/canvassing the view of the Licensing Committee on any matter to be dealt with or contemplated under the Licensing Act 2003.
- The Annual Meeting shall not be used as a forum to raise issues with the Licensing Authority or Essex Police.
- It is recommended that the terms of reference are reviewed from time to time, to reflect any changes caused by legislation and the Council's own policies and procedures.
- Any information provided will be subject to the Freedom of Information Act 2005 and the Data Protection Act 1998.

Corporate Implications				
Financial:	None arising out of this report			
Legal:	Essex Police are a responsible authority under the Licensing Act 2003 and are able to make representation to Licensing Applications and make applications to Review Premises Licences, which would come before the Council as the Licensing Authority for determination. Terms of Reference for the proposed meeting are required to protect the Council's position as the Licensing Authority and to ensure that any of its decisions are not challenged in the Court as a result of any discussion that may have taken place at the Annual Meeting.			
Equalities & Diversity:	None arising out of this report			
Customer Impact:	None arising out of this report.			
Environment & Climate Change:	None arising out of this report			
Consultation/Community Engagement:	Local Committees	Not applicable	Partners	Not applicable
	Public	Not applicable	Staff	Not applicable
Key Decision:	No			
Public/Private Report:	Public			
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