

INDEPENDENT LICENSING FEES REVIEW PANEL MEETING

MONDAY 23 JANUARY 2006

Attendees

Sir Les Elton (Chair)
Clive Allen
Duncan Bowdler
Francis Patton
Brian Wilson

Tim Crowhurst (Secretariat)
Wendy Shales - for part of meeting only (Secretariat)

Apologies : Paul Wood

1. Current position - general

The chair provided an update since the last Panel meeting. This included that:

- Government published the Panel's Interim Report on 5 December and the Minister has written to the Panel saying that Government was broadly content with the thrust of the four Interim Report recommendations and would reply more fully in the New Year.
- Of the nine areas of future work identified in the Interim Report, Government had asked the Panel to make the analysis of licensing authority income and costs a priority during the next stage of the Panel's work.
- The Panel had reiterated that, where they were able to do so, they will make further recommendations in advance of their Final Report this autumn.

2. Licensing authority income and costs

- The Panel has agreed with LGA, LACORS and DCMS a set of data templates for capturing details of licensing authority income and costs. The questionnaire was issued on 19 January, under a cover of a letter from the Chair, to all local authority chief executives (and the Isles of Scilly Council, Middle and Inner Temples). A supporting letter was sent to local authorities by Brian Briscoe (LGA chief executive) about the importance of this exercise.
- There is a four-staged phased approach to the exercise; the 1st phase returns are due to be made to the Panel by 1 February; 2nd phase by 15 February; 3rd phase by 15 March; 4th phase by 15 April.

3. Other future work streams

The Panel discussed the handling of the other 8 workstreams emanating from the Interim Report. It was proposed that each of these work areas would be divided up into smaller working groups and the division of responsibility was agreed. The Secretariat will attend initial scoping meetings for each workstream.

4. Local Government Association (LGA) and Local Authority Co-ordinators of Regulatory Services ((LACORS)

The following representatives of the LGA/LACORS joined this part of the meeting :

Cllr Graham Brown – LGA Deputy Chair of Safer Communities Board (Powys County Council)

Trish O’Flynn – LGA official

Coreen Thomson- LGA official

Charlotte Mellor – LACORS official

- Chair reaffirmed the independence of the Panel.
- Interim Report recommendations :
There was a discussion about the Panel’s four Interim Report recommendations. LGA confirmed that they were generally supportive of Panel’s four recommendations. The Panel advised that it was now a matter for central Government to decide how to respond and the further action to be taken.
- Future work areas :
There was discussion about the nine areas of work that the Panel had identified in the Interim Report for further consideration during the next stage of the independent review. The Panel confirmed that where they are able to do so, they will make further recommendations in advance of their Final Report this autumn.

i) *Licensing authority income and costs*

The Panel said it was helpful that LGA, LACORS and DCMS had agreed the content of the Panel’s data capture survey. It was clear that the Panel had to come to a very important decision as a result of this exercise with which the Panel had to be comfortable. At the time of the Interim Report, following the evidence that had been provided by licensing authorities at that stage, the Panel did not feel they were able to come to a decision.

The Panel advised that it was in the interest of local authorities to provide evidence and a high return on the data-capture exercise.

LGA confirmed that they would do their utmost to ensure a high return (though it may be difficult for authorities to provide data broken down by licensed sector as that could involve a manual trawl of records in many cases).

It was confirmed that the Panel may, at appropriate phases, commission professional third-party (i.e. not DCMS/LGA) analysis of the data received, but that they would be taking full ownership of that process. The Panel was not inclined at this stage to seek additional independent scrutiny and verification.

The Panel advised that decisions about a future sampling exercise would be taken depending on the percentage, spread and quality of what was produced through the data capture exercise.

It was agreed that the Secretariat would provide the LGA with a list of outstanding returns at each stage of the process in order that LGA can follow-up with individual authorities.

ii) Licensing authority inspection and enforcement, and variability of licensing authority approach.

Panel advised that they were keen to understand the issues in order to determine a best-practice approach. LACORS said they were not aware that evidence suggested this was currently a significant problem.

iii) Model for calculating fees

LGA advised that they had commissioned work on an alternative model for calculating fees. The Panel advised that it would be helpful if any alternative suggestions were received as soon as possible. These would need to be considered as part of broader licensing fee considerations.

- It was agreed that the LGA would meet the Panel after phase 1 of the licensing income and costs data exercise (*that meeting has now been scheduled for Thursday 23 February 2006 at 11:00.*)

5. Association of London Government (ALG)

The following representatives of ALG joined this part of the meeting :

Nick Lester - Director Transport, Environment and Planning, ALG

Michael Ojo - Public Protection Policy Officer, ALG

Patrick Crowley - Royal Borough of Kensington & Chelsea

Robert Scourfield - Director Environment and Culture, LB of Camden

Marie Louise-Yule – LB of Camden

Trudi Penman - Licensing Divisional Manager, LB of Havering

Barry Hanley - Business Manager, Environmental Health, LB of Havering

Philip Doyle - Licensing Policy and Business Support Manager, Westminster City Council

- Interim report recommendations :
There was a discussion about the Panel's four Interim Report recommendations. ALG confirmed that they were generally supportive of all four recommendations. The Panel advised that it was now a matter for central Government to decide how to respond and the further action to be taken.
- Future work areas : licensing authority income and costs :
ALG recorded their disappointment that the Interim Report had not been able to provide a conclusive outcome on licensing authority income and costs. The Panel advised that at the time of the Interim Report, following the evidence that had been provided by licensing authorities at that stage, the Panel did not feel they were able to come to a decision.
- ALG confirmed that they were comfortable with the content of the data capture survey. However, they recorded their concern about the timetable and the return dates of the four phases of the exercise, particularly phases 1 and 2. The Panel explained that they had thought extensively about the

information that they needed. They also explained why this timetable had been set and that they could not move quickly without the data from licensing authorities. The Panel would need to take a view about what constitutes reasonable information, but they wanted to encourage all authorities to respond to this exercise.

- It was agreed that the Secretariat would provide the ALG with a list of outstanding returns at each stage of the process in order that ALG can follow-up with individual authorities. In terms of receiving late responses to each phase, the Panel will consider the situation as the exercise evolves.
- It was confirmed that the Panel may, at appropriate phases, commission third-party (i.e. not DCMS/LGA) professional analysis of the data received, but that they would be taking full ownership of that process.
- The Panel said they were happy to meet the ALG again once analysis of the data received from authorities was underway.

6. Future meetings

The following dates for future full Panel meetings were agreed :

- Thursday 16 February
- Thursday 23 February
- Thursday 23 March
- Monday 24 April.