



National Association of
Licensing and Enforcement Officers

Member Training Workshop

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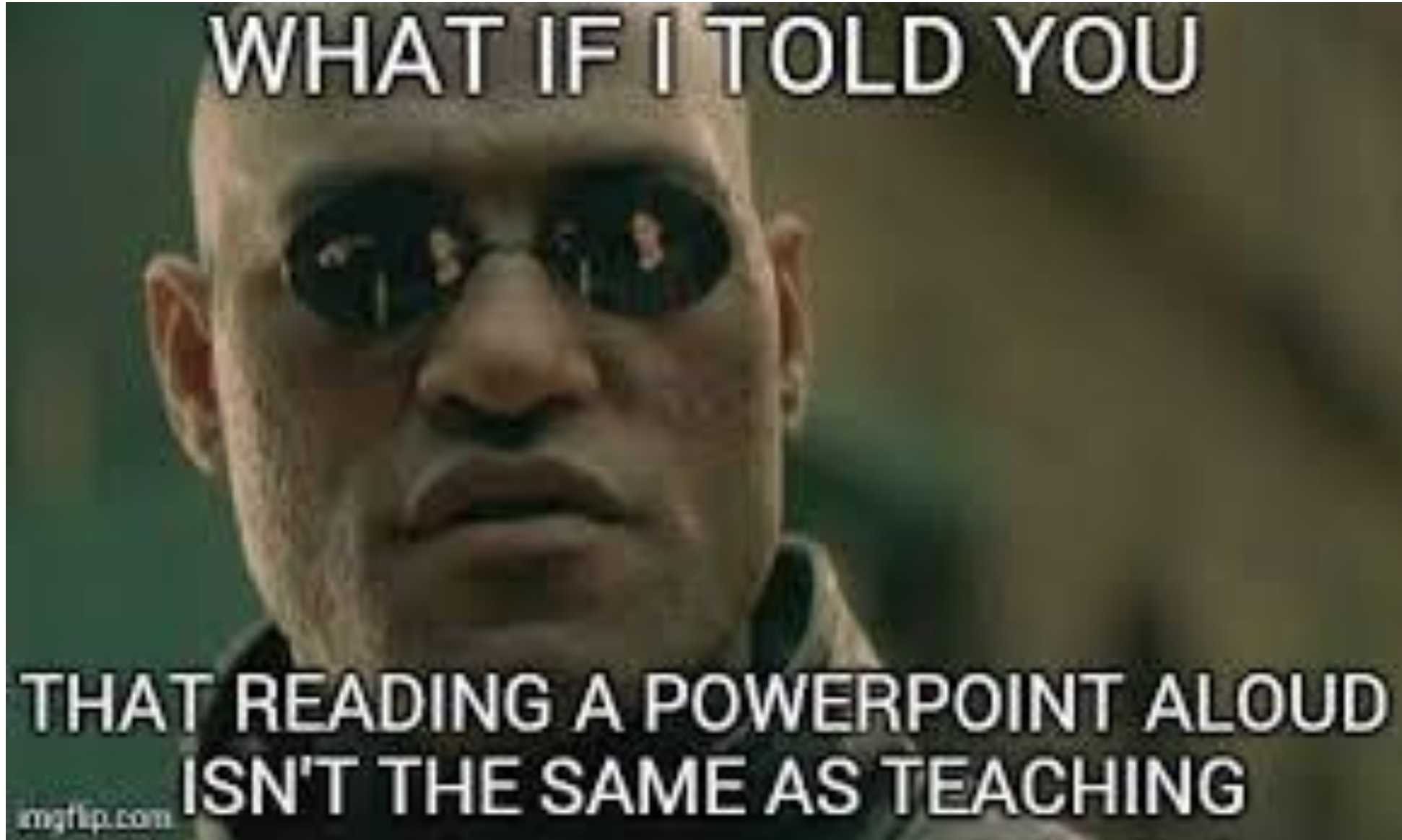
Councillor Derek Burnett

Chair of Licensing – Broxtowe Borough Council

Death By PowerPoint®







WHAT IF I TOLD YOU

THAT READING A POWERPOINT ALOUD
ISN'T THE SAME AS TEACHING

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Member Training

Current Provision in Broxtowe Borough Council

- Two Committees
 - Licensing and Appeals Committee (With Substitutes)
 - Appeals against refusals for all licences other than....
 - Alcohol and Entertainment Committee (10-15 members)
 - Alcohol and Gambling hearings
- 4 Meetings of each Committee annually
 - Training sessions at least two meetings of each committee
 - Training for new councillors
 - Refresher training

Member Training

Current Provision in Nottinghamshire

- Two meeting annually for licensing Chairs and Vice-Chairs
 - Briefings from Responsible Authorities
 - Guest speakers
 - Licensing updates
- Annual Licensing/Training Seminar
 - QC's, Licensing Solicitors,
 - Training Scenarios
 - Licensing updates

Member Training

House of Lords Report

- Thorough look at the Licensing Act 2003
- Critical comments from licensing practitioners

Member Training

Gerald Gouriet QC

“I and those around me frequently leave licensing hearings with the sense that whilst they may have produced the right result, or something approaching it, that is perhaps by chance rather than because of the quality of the licensing regime and how it is implemented. Too many, on all sides, tell me they leave hearings with a bad taste in their mouths, and the sense that the result was something of a lottery”

Member Training

Professor Roy Light

“The quality of hearings is hugely variable. For the most part hearings are fair and impartial but on too many occasions standards fall far short

... A lack of formality with councillors entering too much into the forum is sometimes apparent as well as particular views being expressed based on other than the evidence before the committee.”.

Member Training

Select Committee Conclusion

We appreciate that we are perhaps more likely to receive evidence critical of the way the licensing process operates than evidence saying it operates well or better. We believe—we certainly hope—that most members of licensing committees take their responsibilities seriously, adopt a procedure which is fair and seen to be fair, are well advised, and reach sensible conclusions. But clearly reform of the system is essential.

Member Training

Select Committee Conclusion

We recommend that the Home Office discuss with the Local Government Association, licensing solicitors and other stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a subcommittee, and the length, form and frequency of refresher training.

Member Training

Select Committee Conclusion

The section 182 Guidance should be amended to introduce a requirement that a councillor who is a member of a licensing committee must not take part in any proceedings of the committee or a sub-committee until they have received training to the standard set out in the Guidance.

Member Training - Current Provision

Is it Compulsory?

Should it be?

How Often?

- Duration
- new members
- Refresher

• Who delivers?

- In house
- External

• Is it Informative?

• Is it effective?

Member Training - Scenario

This is based on the Countywide Training Sessions held
in Nottinghamshire

Member Training

What should training consist of?

In groups please (Councillors – Officers)

Please write on Post it Notes and place on flip charts.

One person to feed back

- Subjects
- Resources
- Duration
- Assistance
- Guidance

Member Training – Licensing Act 2003

Background to the Act

Makeup of Licensed premises

Current industry trends

Licensable Activities

The Licensing Authority

Responsible Authorities

Statement of Licensing Policy

Premises Licences

Personal Licences

TENs

Club Premises Certificates

Industry initiatives

Partnership working with the licensed trade and others

Enforcement

- Licence reviews
- Other procedures

Making representations

Holding a hearing

- committee procedure, rules of nature justice, proportionality, Wednesbury principles, other legislative duties eg Human Rights Act

Member's conduct during a licence consultation

Member's conduct at a hearing

Developing licence conditions

Giving reasons

Appeals

Member Training

CONCLUSIONS?

QUESTIONS?