

**OVERVIEW AND SCRUTINY COMMITTEE**  
**LICENSING ACT SCRUTINY REVIEW PANEL**

**15<sup>TH</sup> SEPTEMBER, 2004**

**Held at 6.30 p.m. in the Back Committee Room, Town Hall, Reigate**

**Present:** Councillors R.M. Stamp (Chairman), B.C. Cowle, R. Harper and J.H. Prevett.

**Officers in Support:** Mrs. D. Mitchell, Licensing Manager  
Mr. I. Tucker, Head of Environmental Health; and  
Mr. C. Phelan, Scrutiny Support Officer

**13. NOTES OF PREVIOUS MEETING – 19TH JULY, 2004**

The notes of the last meeting of the Panel held on 19 July 2004 were confirmed as a correct record.

**14. APOLOGIES FOR ABSENCE**

Councillor Mrs. N.J. Bramhall.

**15. PROGRESS ON THE IMPLEMENTATION OF THE LICENSING ACT 2003**

Mrs. D. Mitchell, Licensing Manager, outlined the latest position relating to the implementation of the Licensing Act indicating the following:

- The Policy Statement was now required to be available by 7 January 2005 (noting that the first appointed day was 7 February 2005);
- The Draft Regulations had been published on the Department of Media, Culture and Sport's website with an eight week consultation period; and
- The details of the licensing fees had not been received, but that they were likely to be based on the non-domestic rateable value of premises.

It was agreed that further progress would be considered at the next meeting.

**16. DRAFT STATEMENT OF LICENSING POLICY**

The Panel gave initial consideration to the draft Statement of Licensing Policy in July. An update on the outcome of the consultation process was noted, which provided an early assessment of the responses on the proposed Policy Statement. Follow up contact would be made with key organisations that had not responded yet.

The Panel were reminded that, in general the Overview and Scrutiny Committee had requested it to examine the proposed Policy to establish that it:

- was clear, focused, achievable, realistic and based on sound financial and operational practices;
- had a clear relationship between the budget, service plans and the priorities contained within the Community, Corporate and other Plans/Strategies and that they are real, identifiable and designed to improve services in the Council's priority areas; and
- had clear direction and priorities for action to meet the Council's goals, standards and priorities.

It was noted that the Panel's comments on the Policy Statement would be presented to the Overview and Scrutiny Committee on 13 October 2004.

The Panel in July identified the following points in relation to the Policy Statement that it requested be emphasised in its response:

- Age restriction enforcement;
- Cross referencing of paragraph numbers between the Statement and response form; and
- Inclusion of a lost child policy.

Following further consideration the Panel made the following additional comments, which it recommended to the Overview and Scrutiny Committee as part of its response to the Executive on the consultation:

- clarify the wording of para. 1.5;
- examine if an appeal mechanism can be added to the policy for the decisions on whether the complaint is irrelevant, frivolous, vexatious etc;
- that a glossary of terms be provided at the back of the policy;
- that further contact details be added to annex 4;
- The related problem of crime and disorder issues be addressed as part of the member training on the new responsibilities; and
- a number of drafting corrections be made on specific wording within the Policy.

## 5. **RESOURCES FOR UNDERTAKING THE NEW RESPONSIBILITIES**

Mrs D. Mitchell, Licensing Officer informed the Panel on the current position in relation to the recruitment of staff to support the new responsibilities. Financial support had been provided for this from the Front Line Initiative Fund.

## 6. **DECISION MAKING STRUCTURE FOR THE NEW RESPONSIBILITIES**

The Panel had an initial discussion on the matters to be taken into consideration as part of the decision making structure to be proposed and identified the following for further discussion at the next meeting:

- pool of Members;
- time of the hearings;
- the number of Members to train;
- the number of Members to serve on the Committee/Sub Committee's;
- whether there should be a separate Committee to the existing Licensing and Regulatory Committee; and
- the likely workload of the Committee.

The Panel agreed that the Overview and Scrutiny Committee be requested that it's report on this matter be presented to the them and the Executive on 17 and 18 November respectively so that the necessary changes to the Constitution could be determined by Council in December 2004.

The Panel considered that they would need two further meetings to consider this matter and that Councillor A.J. Kay and Councillor J.V. Lyndon Morgan be invited to the second of those meetings for the consideration of this matter before it reports to the Overview and Scrutiny Committee.

**17. ANY OTHER BUSINESS**

None.

**18. DATE OF THE NEXT AND FUTURE MEETINGS OF THE PANEL**

It was agreed that the next meetings of the Panel be held at 6.00pm or 6.30pm on 6 October and 20 October 2004.

**The meeting closed at 8.40 p.m.**