

OVERVIEW AND SCRUTINY COMMITTEE
LICENSING ACT SCRUTINY REVIEW PANEL

16 DECEMBER 2003

Held at 6.30pm in the Front Committee Room, Town Hall, Reigate

Present: Councillors R.M. Stamp (Chairman), Mrs. N.J. Bramhall, 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.

1. CHAIRMAN OF THE SCRUTINY REVIEW PANEL

The Overview and Scrutiny Committee on 22 October 2003 appointed Councillor R.M. Stamp as the Chairman of the Panel.

2. APOLOGIES FOR ABSENCE

Ann Coronel, Head of Legal and Property.

3. PRESENTATION ON THE LICENSING ACT 2003

Mrs D. Mitchell, Licensing Manager made a presentation to the Panel on the background and implications of the Licensing Act together with an update on the current position in relation to the Government guidance and how that impacted on the Council's preparation for the implementation of the Liquor Licensing responsibility.

The Panel Members' were also provided with a file of information to assist them with the review exercise, this included:

- (i) Comparisons between the existing licensing scheme and the post Bill Regime;
- (ii) Provisional Implementation Programme;
- (iii) Licensing Act Policy Implementation Timetable;
- (iv) Proposed Consultation letter/questionnaire;
- (v) Draft Licensing Policy Statement; and
- (vi) Resource bid information.

It was emphasised that the introduction of the new responsibilities would impact, in particular, on the demands of staff in the Licensing, Legal and Committee Servicing Units.

The Panel explored the implications of the Legislation and identified the following issues at this stage of its review process:

- (i) changes that would be required to the Committee processes including the arrangements for community participation, timing of public agendas, requirements for ad hoc meetings etc
- (ii) who should be consulted on applications received/who could object;

- (iii) potential conflicts of Member interests;
- (iv) the need to seek changes to the Constitution to accommodate potential changes to the Licensing and Regulation Committee;
- (v) the merits of establishing a Sub Committee/s with flexible arrangements to accommodate the frequency of meetings required;
- (vi) whether meetings should be held during the day or in the evening or both;
- (vii) appeal arrangements against decisions made by the Council;
- (viii) applications that would be delegated to Officers to determine;
- (ix) the legislative implications of introducing licenses for take away food premises
- (x) the variety of licences that can be issued including personal, premises, and temporary event licences;
- (xi) arrangements for ensuring the law is complied with;
- (xii) publicity arrangements;
- (xiii) the merits of a national register being created for holders of personal licences;
- (xiv) the difficulty of not knowing when the final guidance is going to be received from the Government (triggering the timetable for the first and second appointed days);
- (xv) the draft policy statement and consultation arrangements;
- (xvi) the implications on the Council Meeting timetable;
- (xvii) details of the fee structure to be operated;
- (xviii) how to manage the volume of applications that may be received (especially if they all came at once);
- (xix) the availability of specialist software to assist with the processing of the applications received; and
- (xx) work with the Surrey Forum that is chaired by the Director of Policy and Environment.

4. REMIT AND WORKING ARRANGEMENTS FOR THE PANEL

Purpose of Review Panel

The Panel agreed that the review should focus on the following three areas:

1. To consider the Executive's Licensing Policy Statement that will be published in the New Year for consultation purposes;
2. To consider whether the Council has sufficient 'resources' in place or proposed to be able to deal with this new responsibility; and
3. To consider whether the Council has in place or proposes to establish a workable decision making framework for members to take on this responsibility.

Meetings of the Panel open to the Press and Public

The Panel agreed that most of the meetings would not be held in public but that when it was receiving evidence from witnesses that those meetings should be held in public.

Location and timing of meetings

Meetings should be held at the Town Hall, Reigate at 6.30pm.

Evidence

The Panel considered that it would like to invite evidence from appropriate specialists to assist it in concluding its advice on the review. This could include:

- Emergency services e.g. the Police;
- an appropriate Magistrate;
- representatives of the licensing trade, Off Licences and Petrol Stations;
- the appropriate Executive Members;
- British Institute of Inn Keeping;
- Brewery representatives e.g. Shepherd Neame;
- Association of Convenience Stores;
- Pubwatch

These, and other appropriate witnesses could be invited to submit evidence either in writing and/or at meetings of the Panel. If the invitation to attend a meeting of the Panel was accepted then the Panel would agree the overall scope of questions to be asked to the witness.

The Panel specifically requested future legal advice on Members' interests for determining applications

Publicity

Information about the Panel's meetings would be included on the Overview and Scrutiny Committee webpages and publicity would be given for any of the meetings to be held in public.

5. VICE CHAIRMAN OF THE PANEL

Councillor Mrs. N.J. Bramhall was appointed Vice Chairman of the Panel.

6. DATE OF THE NEXT AND FUTURE MEETINGS OF THE PANEL

No further dates were agreed at this stage. The timing of future meetings would be triggered by the receipt of the final Government guidance which would specify the first and second appointed days.

Nigel Clifford
Chief Executive

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