

LICENSING ACT 2003 SCRUTINY REVIEW PANEL

REPORT ON THE DRAFT STATEMENT OF LICENSING POLICY

Presented to Overview and Scrutiny Committee in October 2004

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.

Summary of comments to be considered on the draft policy:

Age restriction enforcement;	Para 9.6 (now 9.5) has been amended to clarify the types of schemes.
Cross referencing of paragraph numbers between the Statement and response form	Noted.
Inclusion of a lost child policy.	Para 9.9 (now 9.8) has been amended in accordance with the final DCMS guidance.
Clarify the wording of para. 1.5	Agreed para 1.5 has been amended to make it easier to understand.
Examine if an appeal mechanism can be added to the policy for the decisions on whether the complaint is irrelevant, frivolous, vexatious etc;	As there is no provision under the Act for an appeal and therefore the only appeal would appear to be a judicial review. It is possible that inserting such a system in the Policy could give rise to an appeal against the policy.
That a glossary of terms be provided at the back of the policy;	Agreed. Annex 5 has been added to the policy
That further contact details be added to Annex 4;	Agreed. Additional contact details have been added.
The related problem of crime and disorder issues be addressed as part of the member training on the new responsibilities;	Noted.
A number of drafting corrections be made on specific wording within the Policy.	Agreed, these have been undertaken.