

## **Scoping Report - Review of the Enforcement of the Council's Licensing Policy**

### **1. Introduction**

1. At the full Council meeting on 15 July 2008 Councillor Hickson put forward a motion calling on the Licensing Committee to launch an urgent and major review of the Licensing Policy of the Council and to involve the relevant Overview and Scrutiny Commission in the review.

2. Councillor Hickson's motion expressed concerns about:

- The problem of binge drinking
- Extended licensing hours
- The impact on Police resources which it is suggested are stretched to the limit
- Problems of antisocial behaviour and crime caused by the excess use of alcohol
- The ability of young people to get alcohol when they should not be entitled to do so
- The poor management of some licensed premises
- The enforcement of the legislation and the suggestion that this could be more stringent.

3. In response to Councillor Hickson's motion Council resolved to call upon the General Licensing Committee to review of the Council's Licensing Policy and to involve the relevant Overview and Scrutiny Commission in its review.

4. Council's response to Councillor Hickson's motion was considered by the General Licensing Committee at their meeting on 15 October 2008.

5. Councillor Hickson attended the meeting and expanded upon the concerns that had prompted his motion to Council. At the meeting Councillor Hickson and several other members referred to the need to improve the enforcement of the Licensing Policy.

6. Having considered the matter the General Licensing Committee resolved to conduct a review of the Council's Licensing Policy and to ask the Scrutiny Management Commission to review the enforcement of the Policy. In response to the Licensing Committee's decision, the Scrutiny Management Commission confirmed that it would set up a working group comprising Councillors Graves, Webb and Khan to conduct the review.

7. This report sets out the possible scope of a review of the enforcement of the Council's Licensing Policy.

## **2. Objectives of the review**

8. The Scrutiny Management Commission has been tasked with reviewing the enforcement of the Council's Licensing Policy. It is considered that the objectives of the review should be:

1. To identify those organisations which have responsibility for enforcing the Licensing policy and establish the extent of their responsibilities and the level of enforcement expected from them.
2. To determine from representatives of the relevant organisations:
  - a. What they consider to be their enforcement responsibilities
  - b. How they carry out enforcement
  - c. The extent of their recent enforcement activities in Derby
  - d. Any issues that limit or prevent them from carrying out Licensing enforcement
  - e. Any changes that they consider could improve the way in which they and other relevant organisations enforce the Council's Licensing policy.
3. From the evidence considered by the working group to identify any deficiencies in the enforcement of the Council's Licensing Policy and where possible suggest measures to address those deficiencies.

## **3. Proposed methodology of the review**

9. The review splits conveniently into three parts which will each address one of the objectives listed above.

10. The first part of the review will mainly involve obtaining and collating information from a number of sources, and the Commission are fortunate in that the Constitutional Services Officers who is responsible for the Licensing Committee has volunteered to assist with the review. It is expected that a report which satisfies the first objective can be completed by early December.

11. The second part of the review will involve interviewing a range of witnesses from the organisations who are responsible for enforcing the Licensing Policy. It is suggested at this stage that these witnesses will need to include representatives of:

- Derbyshire Constabulary
- Derbyshire Fire and Rescue Service
- The Safeguarding Children Board
- Derby City Council's Environmental Health and Trading Standards Division in respect of issues relating to:
  - Environmental Health
  - Trading Standards
  - Health and Safety
  - Pollution Control (noise)
- Derby City Council's Planning Control Division
- Representatives of Derby Licensees

12. A firm timetable for the necessary evidence gathering interviews will be prepared once the position becomes clearer and before the second part of the review is commenced.

13. Given the number of interviews that it will be necessary to conduct, the Christmas/New Year holiday, and the commitment of the Overview and Scrutiny Commissions to budget scrutiny in January it is considered unlikely that it will be possible to complete this part of the review much before mid February 2009.

14. Once the necessary evidence has been obtained and collated, a summary report will be prepared and the working group can then meet to agree their recommendations. It should be possible to do this before the end of February 2009 and a report on the Commission's findings and recommendations could then be presented to the full Council meeting on 17 March 2009.

#### 4. Outline timetable for the Review

15. The table below sets out the outline timetable for the review.

	Action	Outcome
<b>Part 1</b>		
1	Scope of review approved at the SMC meeting on 18 November 2008	
2	Identification of those organisations that have responsibility for enforcing the Licensing policy and of the scope of their responsibilities.  Complete by early December 2008	Report to working group by 5 December 2008
<b>Part 2</b>		
3	Interviews of representatives of relevant organisations (approx 10 interviews will be needed)  Commence early December 2008 – complete by February 2009	Summary of evidence to working group by early-mid February 2009.
<b>Part 3</b>		
4	Working group meeting to consider summary and agree recommendations	Mid-late February 2009
5	Preparation of report to Council	Before end February 2009
6	Report to Council meeting on 17 March 2009	

## 5. Likely level of member involvement

16. Based on the above scope of the review it is anticipated that the members of the working group will need to attend:

- One meeting in early December to consider the summary report
- Approximately ten evidence gathering meetings with witnesses during the period December to February
- One meeting in late February to agree recommendations

17. Estimated member time required for the review – **18 hours**

DRR 24 October 2008.