



DERBY CITY COUNCIL

General Licensing Committee
15 OCTOBER 2008

Report of the Corporate Director of Environmental Services

**SCRUTINY MANAGEMENT COMMISSION'S REVIEW OF THE COUNCIL'S
LICENSING POLICY**

RECOMMENDATION

- 1.1 To consider the information provided by Councillor Hickson and the Scrutiny Management Commission and confirm how Committee wishes to respond.

SUPPORTING INFORMATION

- 2.1 At its meeting on 15 July 2008, Council considered a Motion put forward by Councillor Hickson and resolved to call on the Licensing Committee to launch an urgent and major review of the Council's Licensing Policy and to involve the relevant Overview and Scrutiny Commission in the review. A copy of the motion is contained at Appendix 2.
- 2.2 Scrutiny Management Commission (SMC) met on 29 September 2008 and considered a report that set out the possible scope of a scrutiny review of the Council's Licensing Policy. The report is attached for information at Appendix 3.
- 2.3 Having considered the report, SMC members asked the Co-ordination Officer to write to the Chair and Vice Chairs of the General Licensing Committee and to ask whether the matter could be considered at the Committee's meeting on 15 October 2008.
- 2.4 It was agreed at the SMC meeting that the Chair and Vice Chair of the Commission should attend the General Licensing Committee meeting to hear how the Committee intended to response to the Council Motion and of any input it required from the Commission.
- 2.5 The Scrutiny Management Commission also suggested that it would be of benefit to invite Councillor Hickson to the meeting on 15 October so that he could advise the General Licensing Committee of the reasons for and the background to his Motion.

- 2.6 At the General Licensing Committee Pre-Agenda meeting on 30 September, it was agreed that this matter should be considered by the General Licensing Committee on 15 October and that the Chair and the Vice Chair of the Commission would be attending. It was also agreed to invite Councillor Hickson to attend the meeting so that he could advise the General Licensing Committee of the reasons for and the background to his Motion.
- 2.7 Members should note that the motion was originally prepared for July's Full Council and that it should be reported back in six months time, however, it did not get dealt with by SMC until September. If Committee decide to act on the motion, consideration should be given to amending the time frame accordingly.

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Background papers:	Scrutiny Management Commission – 29 September 2008 – Item 12c
List of appendices:	Appendix 1 - Implications Appendix 2 - Motion to full Council on 15 July 2008 Appendix 3 - Scoping Report for the Commission's involvement in a possible review of the Council's Licensing Policy

IMPLICATIONS

Financial

1.1 None directly arising.

Legal

2.1 As set out in the report.

Personnel

3.1 None directly arising.

Equalities Impact

4.1 None directly arising.

Corporate objectives and priorities for change

5.1 This report has the potential to contribute to the corporate objectives of **making us proud of our neighbourhoods, creating a 21st century city centre, leading Derby towards a better environment and giving excellent services and value for money.**

Motion to Full Council on 15 July 2008

Councillor Hickson to move, Councillor Poulter to second

“The current problems being generated by binge drinking and extended licensing hours are causing a major problem to the streets of the City of Derby and to local residents.

Police resources are stretched to the limit by the need to police the problems of anti social behaviour and crime caused by excess use of alcohol and the increase in late license applications outside the city centre is also adding to police staffing difficulties.

Council are also concerned about the ability of young people to gain access to alcohol when they should not be entitled to do so, the poor management of some licensed premises and considers that enforcement of the regulations relating to underage selling could be more stringent.

It seems clear that the Licensing Policy is currently too weak to deal with these issues satisfactorily and needs to now be reviewed so that it is far more robust and so that it gives the Licensing Committee stronger and more easily defined powers.

Council therefore calls on the Licensing Committee to launch an urgent and major review of the Licensing Policy of this Council, to involve the relevant Overview and Scrutiny Commission in that review and to come back to Council within six months with tighter, more responsive and more robust Licensing Policy for approval.”

Scoping Report for the Commission's involvement in a possible review of the Council's Licensing Policy

1. Introduction

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, which in this case is the Scrutiny Management Commission, in the review.

Councillor Hickson's motion, which is set out in full in Appendix 2 of this report, expresses 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.

Having discussed the motion, full Council recommended that the Licensing Committee launch a review of the Licensing Policy, that they involve the relevant Overview and Scrutiny Commission in the review, and that the outcome of the review is reported back to full Council within six months.

Rule OS17 requires the Overview and Scrutiny Commissions to respond as soon as their work programme permits to requests from the Council to review particular areas of Council activity.

Although the request for this particular review was made to the Licensing Committee rather than directly to the Scrutiny Management Commission it is presumed that the Commission will wish to accede to Council's request. The following sections of this report therefore outline the scope and methodology of a review of the Council's Licensing Policy.

2. Objectives of the review

At this stage it would appear that the objectives of the review should be to:

1. Investigate the concerns expressed by Councillor Hickson in his Motion to Council
2. Confirm whether or not the Council's current Licensing Policy is fit for purpose.
3. Determine whether the Licensing Policy is being properly applied and enforced

3. Constraints on any review of the Licensing Policy

The Licensing Act 2003 requires Derby City Council to publish a Licensing Policy.

The Co-ordination Officer has been advised by both the Chair of the Licensing Committee and the Environmental Health Officers responsible for preparing and administering it, that the Council's Licensing Policy was written in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Co-ordination Officer was also informed that there is a requirement that the Council's Licensing Policy is reviewed every three years, that a review was carried out in 2007 and that the reviewed Licensing Policy was adopted by full Council at its meeting on 23 January 2008.

The above factors should be borne in mind by the Commission when conducting its review of the Council's Licensing Policy.

4. Potential Scope of the review

It is suggested that any review of the Council's Licensing Policy in response to the full Council recommendation and in which the Scrutiny Management Commission is involved will need to commence with an interview of Councillor Hickson to explore and establish the reasons for the Motion he put to the Council meeting on 15 July.

The Commission's interview of Councillor Hickson should seek to identify both the reason for his concerns and any evidence that he has to justify those concerns.

Thereafter the direction of the review will depend very largely on what Councillor Hickson tells the Commission but it is anticipated that any subsequent action by the Commission is likely to involve taking evidence from the main stakeholders who include:

- The Chair of the General Licensing Committee
- The Environmental Health Officers responsible for preparing and administering the Licensing Policy
- The local Police Officers who have responsibility for enforcing licensing in the City
- A representative of the City Centre Management team
- Licensees representatives
- The public – as customers of the licensed premises

If the Commission wish, some comparison could be made of Derby's Licensing Policy and its administration with that of a similar local authority.

5. Outline timetable for the Review

The Council's resolution asked for a report on the review of the Licensing Policy to be made within six months. There are full Council meetings scheduled for 19 November 2008 and 21 January 2009. It is considered unlikely that it will be possible to complete a review in time to report it to the meeting on 19 November so any timetable for the review should be aimed at delivering a report to the full Council meeting on 21 January 2009.

It is suggested that the Commission should seek to interview Councillor Hickson as soon as is practicably possible. Thereafter the timing of the evidence gathering will need to take into account the availability of witnesses, members and officers and the conflicting work load of the Commission.

It is felt that the intention should be to complete the evidence gathering phase of the review by the end of November so that a report can be prepared and considered by the Commission by mid December.

Once it has been approved by the Commission the report of its review presented to the January Council meeting.