

## Scrutiny Topic Registration Ref

<b>Name of person proposing topic:</b>	<b>Date:</b> 18/08/05
Barbara Driver	
<b>Contact:</b>	
<b>Suggested title of topic:</b> Licensing	
<b>What is the issue that scrutiny needs to address?</b>	
<p>How we should be working with all concerned with regard the new licensing laws and new applications. Communication on all fronts to improve.</p>	
<b>What do you feel could be achieved by a scrutiny review?</b>	
<p>Help residents to know what is going on, and alleviate fears they have with the new laws and what it means to them and how to get their voices heard.</p>	

## Priority and urgency

Is the topic urgent?	X
----------------------	---

If so, please consider which of the following might apply:

Is there a strict time constraint?	X
Is there currently high media coverage?	X
Is there high public pressure to respond?	X
Does it involve a high risk to the council?	
Any other reasons:	
Communication to the Public from the Council	

## Issues

Please consider whether the following might apply:

Is the topic important to the people of Cheltenham?	X
Does the topic involve a poorly performing service or high public dissatisfaction with a service?	
Is it related to the Council's corporate objectives?	
Is it directly related to an item on the council workplan?	
Has there been media interest in the topic?	X
Can scrutiny help in the development of council policy?	X
Any other issues or details:	

## **Officer Implications (for office use)**

Please give your comments on this proposed topic, for example is there any other similar review planned or in progress, are there any potential resource constraints etc

### **The Issue**

Working on the assumption that the issue is about communication and the “we” means the council I feel that a distinction must be made between the council acting in its capacity as a Licensing Authority within the provisions of the Licensing Act 2003 and the council acting as a public body with the interests of its community at its heart.

As a Licensing Authority (LA) requirements are placed upon the council by law regarding the process to be followed with all applications. In so doing the LA is required to take a fair, even handed and unbiased approach to all parties i.e. applicants, responsible authorities and interested parties (residents and businesses). At the moment the LA works with all concerned. Assistance is given to applicants in making their applications and to interested parties when making representations. A public register of applications together with information and guidance is available to applicants and interested parties via the council’s website. This site contains links to other related material also. The applicant is responsible for sending a copy of the application to the responsible authorities and effective communication between the LA and the responsible authorities comes out of that process. In respect of new licence applications and variations to existing licences, the applicant is also responsible for publication of the application details in a local newspaper together with posting a notice on site

### **What would be achieved by a Scrutiny review**

I am a little uncertain as to what is meant by “help residents to know what is going on” and “how to get their voices heard”. I must reiterate that the LA must not show any bias or favour to any party in the licensing application process and, as stated above, appropriate assistance is given when it is requested. If relevant representations are received the LA must determine the application in accordance with the principal of promoting the licensing objectives. While crime and disorder is an objective the “alleviation of fears” is not and is not covered by any other requirement placed upon the LA. There may, however, be scope for the Council, outside its capacity as a LA, to undertake promotional campaigns on the positive aspects of the new licensing regime if it wishes.

### **Priority and urgency**

If my interpretation of the issue is correct I am not aware of any media coverage on the issue of communication. There has, however, been considerable media coverage on the Licensing Act 2003 together with coverage of a more speculative nature about its impact upon binge drinking and the potential effects upon our communities.

I am not aware of any public pressure to respond to the issue of communications and neither are any of the staff involved in the licensing process.

### **Issues**

I would reiterate that, at the time of writing, I am not aware of any media interest on the issue of communications.

Scrutiny may, however, be able to recommend policy on communications outside of the Council’s functions as a Licensing Authority. This will have resource implications which would need to be costed for Members consideration when the Scrutiny committee has decided exactly what it is that it wants.

## **Other comments**

There is considerable scrutiny of applications under the Licensing Act 2003 by the responsible authorities and we have to date seen most interested party (IP) input restricted to fears about potential ills associated with the new regime. While at best the IP input has resulted in some compromise concessions IPs who have attended sub-committee hearings have expressed the view that they have been dealt with fairly. The key issue is for interested parties to know that the responsible authorities are here to help with either complaints about individual premises or how the licence review process can be used to good effect. As the operation of licences within the provisions of the new regime has not yet started I would suggest that it is too soon to subject it to scrutiny. More would be achieved by waiting 12 months from the date of its commencement on 24 November. It may be that rather than a review of what is happening at present, energies would be best directed at publicising how the review process works and how interested parties can trigger that process. This would have resource implications which would need to be costed. Existing resources are currently tied up in ensuring that the council deals with the applications it is receiving within the time constraints and other requirements placed upon it by law. At the moment these pressures are considerable and the scarce resources that are available should not be diverted away from the task in hand.

Completed by George Rowlinson Assistant Director (Public Protection) in consultation with Sarah Farooqi, Solicitor

Date 1<sup>st</sup> September