

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **MONDAY, 11 FEBRUARY 2008 ON THE RISING OF THE LICENSING AND PROTECTION PANEL MEETING** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Committee held on 23rd October 2007.

**Miss H Ali
388006**

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 overleaf.

3. LICENSING ACT 2003 - DELEGATIONS (Pages 3 - 6)

To consider a report by the Head of Administration updating Members on the new provisions of the Licensing Act 2003.

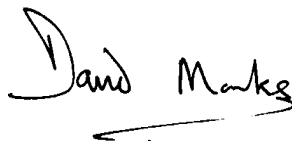
**Miss H Ali
388006**

4. REGULATORS' COMPLIANCE CODE (Pages 7 - 10)

To receive a report by the Head of Administration informing Members on the Regulators' Compliance Code published by the Department for Business Enterprise and Regulatory Reform (BERR).

**R Reeves
388003**

Dated this 1 day of February 2008



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs A Jerrom, Democratic Services Officer, Tel No: 01480 388009 / e-mail: Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 23 October 2007.

PRESENT: Councillor J M Sadler – Chairman.

Councillors K M Baker, J T Bell, J J Dutton, R W J Eaton, R S Farrer, J D Fell, A Hansard, I R Muir and R Powell.

14. MINUTES

The Minutes of the meeting of the Committee held on 13th June 2007 were approved as a correct record and signed by the Chairman.

15. MEMBERS' INTERESTS

No declarations were received.

16. LICENSING ACT 2003 - GUIDANCE

Consideration was given to a report by the Head of Administration (a copy of which is appended in the Minute Book) which summarised the changes contained in new guidance issued by the Secretary of State for Culture, Media and Sport under the Licensing Act 2003 and updating Members on the status of the authority's Statement of Licensing Policy.

Members noted the implications for the Council of clarification in relation to the authorisation of the sale of alcohol, temporary events notices and representations by individual Councillors and also were informed of the changes introduced by a new Fire Safety Order. As a result of the latter, the Committee were advised that the licensing authority should no longer seek to impose fire safety conditions on a premises licence or club premises certificate and that any such conditions imposed by the authority had automatically ceased to have effect without the need to vary existing licences and certificates.

In terms of the authority's Statement of Licensing Policy, the Committee were advised that the document would expire in January 2008. In that light, the Head of Administration reported that a new draft Statement had been issued for consultation to all Members and a wide variety of organisations. Comments on the representations received would be submitted to the Cabinet at their meeting on the 22nd November 2007 with a view to obtaining final approval at the Council meeting on the 5th December 2007.

RESOLVED

- (a) that the Head of Administration be authorised, after consultation with the Chairman and Vice-Chairman, to

make any changes to the Statement of Licensing Policy as a result of the replies received during the consultation period; and

- (b) that the Cabinet be requested to endorse the document for submission to the Council for approval.

17. LICENSING ACT 2003 - CURRENT UPDATE

By way of report by the Head of Administration (a copy of which is appended in the Minute Book) the Committee were acquainted with the work undertaken by the Licensing Section under the Licensing Act 2003. Information was presented on the number of licences, certificates and temporary events notices that had been issued during the past year, the hearings that had been held and the inspections and enforcement undertaken by the Section, which included the review of two licensed premises in St Neots.

RESOLVED

that the contents of the report be noted.

18. GAMBLING ACT 2005 - IMPLEMENTATION

The Committee received and noted a report by the Head of Administration (a copy of which is appended in the Minute Book) on progress to date towards the implementation of the Gambling Act 2005 and the work still to be undertaken. Members were acquainted with the number of licences processed and the anticipated volume of permits that would need to be renewed, together with details of statutory fees set under the legislation.

The Committee were informed of the difficulty in determining the number of registered club machine permits previously issued by the courts and that no indication of the likely level of temporary and occasional use notices was available. Members' attention also was drawn to the need to forward quarterly statistics to the Gambling Commission.

RESOLVED

that the contents of the report now submitted be noted.

Chairman

**LICENSING ACT 2003 – DELEGATIONS
(Report by the Head of Administration)**

1. INTRODUCTION

- 1.1 The Violent Crime Reduction Act 2006 amended the Licensing Act 2003 with a view to introducing new measures to ensure that police and local communities have the powers they need to tackle alcohol-related crime and disorder.
- 1.2 The purpose of this report is to update Members on the new provisions of the Licensing Act 2003.

2. EXPEDITED AND SUMMARY LICENCE REVIEWS

- 2.1 An amendment to the Licensing Act 2003 came into force on 1st October 2007, which enables licensing authorities, on receipt of an application from a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.
- 2.2 Under Section 53 A of the Act, the licensing authority must within 48 hours of receipt of the senior police officer's application, consider whether it is necessary to take interim steps pending determination of a review of the premises licence. A full review of the premises licence must then be held within 28 days receipt of the application.
- 2.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions must be taken by the relevant licensing sub committee, or by the authority acting as a whole. As the latter is impractical, it is recommended that this is delegated to the licensing sub committees.
- 2.4 When determining whether interim steps should be imposed on a licence, there is no requirement for a formal hearing to be held and communication with the sub committee can be by telephone or other remote means in order to reach a decision. A written record must be produced as soon as possible after a decision is reached.
- 2.5 If the licensing authority decides to take steps at the interim stage, the decision must be communicated to the holder of the premises licence and the senior police officer immediately, together with the reasons for doing so, and the decision must take effect immediately, or as soon as the licensing authority directs. Should the premises licence holder make representations against the interim steps taken by the licensing authority, a hearing must then be held within 48 hours receipt of the representations (provided they are not withdrawn within this time period).
- 2.6 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under club premises certificates.

2.7 A diagram of the full process is appended hereto as **Annex A**.

3. ALCOHOL DISORDER ZONES

3.1 The Act has also introduced new powers for local authorities and the police to designate Alcohol Disorder Zones (ADZs) as a last resort to tackle alcohol-related crime and disorder. The designation of an area as an ADZ will empower local authorities to charge licensees for additional enforcement activity affecting all licensed premises within the zone.

3.2 The new power has yet to be brought into effect by regulation and further information will be brought to the Committee's attention when the regulations are made and guidance issued by the Secretary of State.

4. RECOMMENDATION

4.1 It is

RECOMMENDED

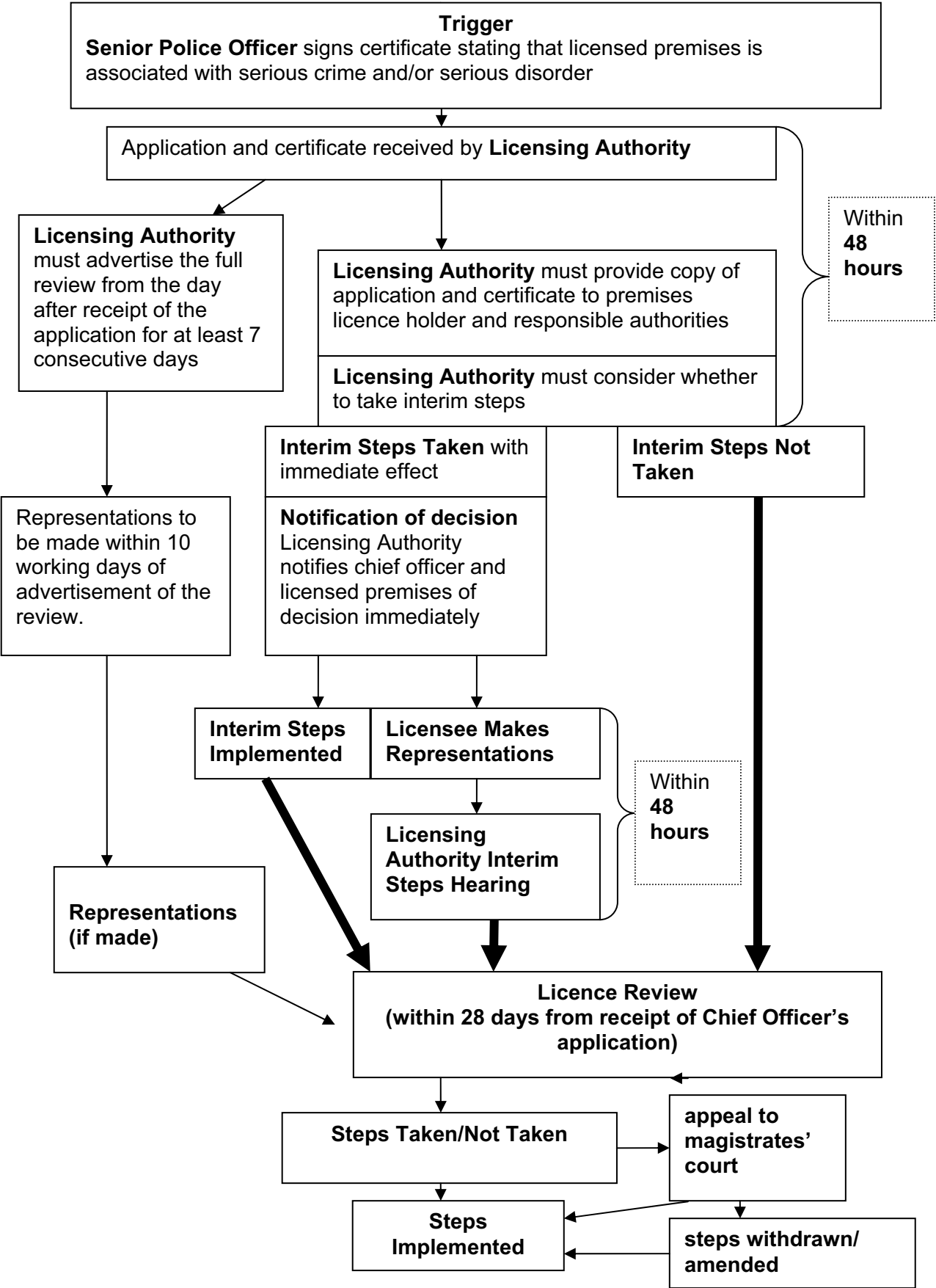
that the licensing sub-committees be authorised to take steps (as deemed necessary), following the receipt of an application from a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.

BACKGROUND PAPERS

Guidance issued by Secretary of State for Culture, Media and Sport – 28th June 2007
Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007

Contact Officer: Miss Habbiba Ali, Democratic Services Officer
☎ 01480 388006

EXPEDITED LICENCE REVIEWS: MAIN STEPS



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LICENSING AND PROTECTION PANEL
LICENSING COMMITTEE
CABINET

11TH FEBRUARY 2008
11TH FEBRUARY 2008
21ST FEBRUARY 2008

ENFORCEMENT POLICIES (Report by Head of Administration)

1. INTRODUCTION

- 1.1 The purpose of this report is to inform Members that a **Regulators' Compliance Code** has been published by the Department for Business Enterprise & Regulatory Reform (BERR) and will come into effect on 6 April 2008. It extends to a wide variety of regulators and applies to local authorities in respect of many of their enforcement activities, primarily but not exclusively public health, environmental protection and licensing. This is a statutory code of practice and those regulators that are prescribed must have regard to its content. The new code can be viewed at http://bre.berr.gov.uk/regulation/documents/compliance_code/compliance_code_071217.pdf
- 1.2 The code is based upon the recommendations contained in the Hampton Report commissioned by the Government on "Reducing Administrative Burdens: Effective Inspection and Enforcement" which was published in 2005.
- 1.3 Several of the Council's Divisions are required to have an enforcement policy with some having more than one to meet the specific requirements of national bodies, most notably Environmental and Community Health, which has discrete areas of enforcement such as Food Safety, Private Sector Housing, Health & Safety and Environmental Protection.
- 1.4 The Council's existing enforcement policies are based on the principles contained in an enforcement concordat published by the Local Government Association some years ago. They are comprehensive and should generally comply with the requirements of the new code but each policy will need to be reviewed and updated to ensure compliance.
- 1.5 As the current policies were approved previously by committee or form part of various statements of policy that the Council has to have regard to in complying with its statutory functions, it is proposed that they be reviewed where necessary and approved after consultation with the appropriate executive councillor or committee chairman.

2. BACKGROUND

- 2.1 Section 21 of the Legislative and Regulatory Reform Act 2006 imposes a duty on any person exercising a specified regulatory function to have regard to 5 principles of good regulation. These are defined in the Act to provide for regulatory activities to be carried out in a way that is **transparent, accountable, proportionate and consistent** and for them to be **targeted** only at cases in which action is needed. Section 22 of the Act enables the relevant Minister to

issue a Code of Practice relating to the exercise of regulatory functions (the Regulators' Compliance Code) and places a duty on those exercising specified regulatory functions to have regard to the code when determining enforcement policies. The new code forms a central part of the Government's better regulation agenda with the aim of ensuring a risk-based, proportionate and flexible approach to regulatory inspection and enforcement that allows and encourages economic progress.

2.2 The code stresses the need for regulators to adopt a positive and proactive approach towards ensuring compliance by:

- helping and encouraging those who are regulated to understand and meet regulatory requirements more easily; and
- responding proportionately to regulatory breaches.

3. IMPLICATIONS

3.1 The existing enforcement policies have been designed for the Council to carry out its duties in accordance with its statutory powers and guidance and are already based upon various principles including openness, proportionality, consistency, transparency and targeting. However some changes will be required to ensure that the policies meet the code and extend to all of the Council's regulatory functions.

3.2 Once the code has been implemented, future enforcement action will be constrained by the content of the enforcement policies. Any failure to act in accordance with an adopted policy could be raised in a defence against enforcement action in the courts and complaints about the Council's actions or inaction in carrying out its statutory duties can be pursued under the internal complaints code and with the Local Government Ombudsman.

3.1 There is a general requirement to consult those affected by the adoption of an enforcement policy but this has already been undertaken when the existing policies were formulated. The changes envisaged hopefully should not be extensive and any consultation required will be dealt with electronically through the medium of the Council's website.

4. CONCLUSION

4.1 It will be necessary for relevant Heads of Service to update a range of enforcement policies to reflect the requirements of the new Regulators' Compliance Code which will be undertaken in consultation with the relevant executive councillors and chairmen.

5. RECOMMENDATIONS

5.1 It is

RECOMMENDED

that the Panel/Committee/Cabinet

- (a) note the content of this report; and
- (b) authorise relevant Heads of Service to review their enforcement policies having specific regard to the content of the new Regulators' Compliance Code and to approve any necessary changes after consultation with the relevant executive councillor or chairman;

BACKGROUND INFORMATION

The Legislative and Regulatory Reform Act 2006.
Reducing Administrative Burdens: Effective Inspection and Enforcement,
Philip Hampton, March 2005.
The Regulators' Compliance Code.

Contact Officer: Roy Reeves
 **01480 388003**

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