

Decision Maker: **General Purposes and Licensing Committee**

Date: **14 March 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **GUIDANCE ON 'REVIEW' HEARINGS FOR MEMBERS OF LICENSING SUB-COMMITTEES**

Contact Officer: Paul Lehane, Head of Food, Safety & Licensing
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Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

To present a draft guide on 'Review' hearings for Members consideration and adoption.

2. **RECOMMENDATION(S)**

Members are asked to

1. **Consider and comment on the attached draft 'Review' guidelines**
2. **Adopt the guidelines for use by licensing subcommittees when hearing 'Review' applications**

Corporate Policy

1. Policy Status: Existing policy. The Review Guide supports the effective implementation of the Councils Licensing Policy 2011- 2014
 2. BBB Priority: Excellent Council . Safer Bromley, vibrant thriving town centres.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection - Clive Davison
 4. Total current budget for this head: £3.7m
 5. Source of funding: Existing Revenue Budget
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Staff

1. Number of staff (current and additional): 59
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-statutory - Government guidance. The draft guide is compatible with the Regulators Compliance Code
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 15 Members of GP&L committee and Licence holders subject to a 'Review Application - typically less than 12 a year
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Councillor Nicholas Bennett requested Officers prepare a guide for Members sitting on Review hearings.
- 3.2 The aim being to offer Members a more structured approach to support their decision making and to ensure consistency of decision making.
- 3.3 A draft guide is attached as appendix 1. it seeks to establish a fairly comprehensive list of grounds upon which a 'Review' might be sought along with a indication of the level of seriousness and a suggested starting point in the options available to Members hearing a Review under Section 53 Licensing Act 2003, which are
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence

Having heard a 'Review' Members are not obliged to use any of these powers and can decide that no further action is required to promote the licensing objectives.

The guide is only to support Members in their decision making and it does not bind them to use the suggested sanctions as they must always base decisions on evidence presented at the hearing. If Members decide to depart from the guidance, reasons would be expected. The document should help Members identify the factors that they feel are 'Aggravating' or 'Mitigating' and assist in structuring a well reasoned decision.

4. POLICY IMPLICATIONS

The Council has a published Statement of Licensing Policy for the period 2011- 2014. If Members decide to adopt the attached guideline for Reviews, it would support the Councils duty to promote the Licensing Objectives and a transparent approach to enforcement in keeping with our Enforcement Policy.

5. LEGAL IMPLICATIONS

Members must make decision based on the evidence presented to them at a 'Review' hearing. The draft guide is only to be used as an aide memoire to support Members to effectively discharge their duties and to support a consistent approach to the conduct of 'Review' hearings.

Non-Applicable Sections:	FINANCIAL & PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	BERR Regulators Compliance Code 2007. Licensing Act 2003 - Guidance issued under section 182, Licensing Act 2003