

REPORT TO: LICENSING COMMITTEE – 22 OCTOBER 2004

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MRS NICKII HUMPHREYS

The Licensing Act 2003 – Draft Statement of Licensing Policy

The purpose of this report is for the Licensing Committee to consider the draft Statement of Licensing Policy prepared in accordance with Section 5 of the Licensing Act 2003 (the “Act”) and approve the timetable for the period of consultation.

RECOMMENDED:

- i) That the Licensing Committee approve the draft Statement of Licensing Policy as the consultation document for the purposes of the Licensing Act 2003.**
- ii) That the Licensing Committee approve the timetable for the consultation period, consideration of responses to the consultation process and submission of reports on the final policy (including any amendments if necessary) to the Licensing Committee, Executive and Council as appropriate.**

1. Background Information

The “Act” integrates existing licensing regimes into one system of licensing. In accordance with the provisions of the Act, the Council will become the licensing authority for the sale and supply of alcohol which is currently undertaken by the Licensing Justices at the Magistrates’ Court, together with an expansion of its existing function as regards the licensing of regulated entertainment and late night refreshment.

The Act makes provision for certain transitional arrangements from the current licensing systems to the new procedures to ensure a smooth changeover. This transition period will commence on what is known as “the first appointed day” which has been confirmed by the Government as 7 February 2005. The transition period will last for approximately 9 months and will end on “the second appointed day” when the new licensing system will commence. As yet the Government have not confirmed this date but it is anticipated that this will be sometime in November 2005.

Before the transition process commences on 7 February 2005, the Council, as licensing authority, is required to prepare and publish a Statement of Licensing Policy. In determining its policy, the Act states that the Council must consult with the following:

- The chief officer of police
- The fire authority
- Persons/bodies representative of local holders of premises licences

- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in its area

For the purposes of determining the first statement of licensing policy, the Council must consult with persons/bodies representative of current licence holders.

Beyond the above statutory requirements, it is for each Council to decide whether to consult with any other representative bodies having regard to costs and time involved. The Government has indicated that where Councils exceed the statutory requirements, they will have to absorb those additional costs that may not be met from the fee levels to be set by central Government.

The draft Statement of Licensing Policy is currently receiving scrutiny by counsel and will follow separately.

2. Timetable for Consultation

The statutory guidance issued by the Secretary of State was only published on 7 July 2004 and the Council has to have regard to it when formulating the Statement of Licensing Policy. As a result, this only gives a maximum of six months from July to formulate the draft policy, consult upon its content, consider the views received and seek the necessary approvals to the final document in order that the policy can be in place approximately one month before the first appointed day. This is to enable applicants to have regard to the policy statement prior to submitting applications from the first appointed day onwards.

The draft timetable suggested is as follows:

22 October 2004	Licensing Committee to consider and approve draft policy;
1 November 2004	Consultation period commences;
30 November 2004	Consultation period ends and consideration of any representations takes place;
17 December 2004	Report to be considered by the Licensing Committee for final approval of the Statement of Licensing Policy and referral to Council and Executive;
Mid December 2004	Statement of Licensing Policy to be considered by the Council and also the Executive for final approval;
7 January 2005	Policy comes into effect.

Members should be aware that the policy will need to be determined and published every three years following consultation with the interested parties as referred to previously. It must also be kept under review throughout the three year period.

3. Consultation Process

To ensure that the consultation process is as effective as possible, the following steps will be taken in addition to the statutory requirements:-

- Copies of the draft Statement of Licensing Policy and information as regards making representations will be made available on the Council's website;
- Copies of the document will be sent to all libraries and also will be available at the Licensing Section and the City Helpdesk;
- A public notice will be published in the Portsmouth News;
- Each member of the Council will receive a copy of the draft policy and guidance notes. A copy of the Act and the statutory guidance will be available in the Members Room.

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Licensing Manager
Corporate Services