

REPORT TO: LICENSING COMMITTEE – 17 DECEMBER 2004

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MRS NICKII HUMPHREYS

Consultation on Draft Statement of Licensing Policy

1. Purpose of Report

The purpose of this report is to detail the representations received in response to the consultation process undertaken on the draft Statement of Licensing Policy that was carried out between 1 November 2004 and 30 November 2004.

As a result of this consultation process, amendments are proposed to the original draft with suggested wording where appropriate. In addition, this report also requests the approval of the Licensing Committee of the proposal final policy for placing before the Full Council and Executive.

RECOMMENDED:

- (1) That the Licensing Committee considers the responses to the draft policy statement and approves the amendments as detailed in this report.**
- (2) Recommend to the Executive and Full Council that it adopts the amended Statement of Licensing Policy.**

2. Background

Section 5 of the Licensing Act 2003 (“the Act”) requires the Council to determine and publish its Statement of Licensing Policy which will remain in force for 3 years, commencing on 7 January 2005.

The Act requires the Council to keep the policy under review throughout each 3-year period and to revise it as necessary. However, prior to making any changes the Council must carry out a consultation process in the same way it has just embarked on the draft Statement of Licensing Policy.

3. Consultation Process

Following consideration by the Licensing Committee on 19 November 2004, the draft Statement of Licensing Policy was amended and circulated for consultation in accordance with the statutory requirements together with other persons/bodies whom it was thought would have an interest and those who had previously requested sight of the document.

In addition to circulating the document to approximately 900 existing licence holders, a list of those other persons contacted are attached as Appendix A.

In addition, the draft policy was published on the Council's website, a public notice was placed in the Portsmouth Evening News, copies were distributed to public libraries and the City Help Desk together with a press release being issued by the Council's Media Unit.

4. Response to Consultation

At the conclusion of the consultation period, a total of 28 responses had been received. The responses in the majority complemented the Licensing Authority on the document, referring to it being a clear and concise policy.

The table at Appendix B details the responses that have been received, together with officer advice and recommendations where appropriate. The table lists each paragraph about which issues were raised, the respondent and details their comments.

To assist Members when considering the representations received, a copy of the draft Statement of Licensing Policy is attached as Appendix C.

5. Comments of Licensing Manager

There is a statutory obligation for the Statement of Licensing Policy to be published by 7 January 2005. Following consideration of the proposed amendments to the draft policy by the Licensing Committee, the policy must then be adopted by the Executive and Full Council.

Advice from Queen's Counsel was sought on submissions received during the course of the consultation. The table at Appendix B incorporates the advice received.

In giving advice, Queen's Counsel has considered very seriously the potential risk of Judicial Review and believes that if the amendments he suggests are made, then the risk is minimised.

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Licensing Manager
For Strategic Director of Corporate and Financial Services