

**REPORT TO: LICENSING COMMITTEE – TUESDAY 27 NOVEMBER 2007
CITY COUNCIL - TUESDAY 27 NOVEMBER 2007**

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

**Licensing Act 2003 – Statement of Licensing Policy for 2008 – 2011
Approval of interim measures**

1. Purpose of report

The purpose of this report is for the Licensing Committee to recommend to Full Council that it adopts the existing Statement of Licensing Policy with effect from 7 January 2008 pending the outcome of the consultation process on the proposed amendments to the Statement of Licensing Policy for the period 2008 until 2011 which is likely to be considered at the City Council meeting on 29 January 2008.

2. Recommendation

RECOMMENDED:

That the Licensing Committee recommend to the City Council that it adopts the existing Statement of Licensing Policy with effect from 7 January 2008 as an interim measure pending the Council taking a final decision on the outcome of the consultation process on the proposed amendments to the Statement of Licensing Policy for the period 2008 until 2011.

3. Background information

Section 5 of the Licensing Act 2003 (“the Act”) requires the Council to prepare and publish a statement of its licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act.

The first statutory three year period began on 7 January 2005 and therefore subsequent three year periods, e.g. beginning 7 January 2008 etc, are fixed and the authority must ensure that it has in place its statement of licensing policy in order to fulfil its statutory obligations.

Before determining its policy for any three year period or if revising a policy within a period, the licensing authority must consult with persons listed in section 5(3) of the Act. These are:

- The chief officer of police for the area;
- The fire and rescue authority for the area;
- 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; and
- Persons/bodies representative of businesses and residents in its area.

4. Interim measures

A draft statement of licensing policy has been prepared in accordance with the Act and a separate report has been prepared for consideration by the Licensing Committee for approval of its contents and for the consultation process to commence. The majority of proposed changes to the existing statement of licensing policy reflect amendments to the Statutory Guidance issued in accordance with section 182 of the Act. In addition, there are proposals to amend the existing special policy areas relating to cumulative impact based on representations by the Chief Officer of Police.

Due to pressures on the licensing service which includes work on the implementation of the Gambling Act 2005, the timescales for preparing and consulting on the new statement of licensing policy have slipped slightly behind schedule.

As mentioned in section 3 above, the authority must, by law, have a licensing policy in place on 7 January 2008 in order to continue to carry out its statutory function in relation to individual applications made under the Act. To allow a full and proper consultation process to take place in respect of the proposed amendments to the statement of licensing policy, it is proposed that the existing licensing policy be continued with effect from 7 January 2008 and, following completion of the consultation process, the new statement will be referred to the City Council hopefully at the end of January 2008 for consideration and adoption.

This report has been considered by the City Solicitor, and it is within the Council's powers to agree the recommendation set out above.



Licensing Manager

Section 100D, Local Government Act 1972

Background Papers - None