

REPORT TO: LICENSING COMMITTEE – 27 NOVEMBER 2007

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

The Licensing Act 2003 – Draft Statement of Licensing Policy for the period 2008 - 2011

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; and**
- 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 and Council as appropriate.**

1. 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.

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.

A draft statement of licensing policy has been prepared in accordance with the Act for consideration and approval by the Licensing Committee and for the consultation process to commence.

In preparing the draft statement, consultation has already taken place with the statutory responsible authorities which are outlined below and their comments have been incorporated into the draft statement:

- The Chief Officer of Police;
- The Chief Fire Officer;
- Head of Public Protection;
- Head of Planning Services; and
- Directorate of Children, Families and Learning.

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.

A copy of the existing statement of licensing policy is attached as Appendix A and the proposed draft statement is attached as Appendix B. In preparing the draft statement, reference has been made at the end of each paragraph to the corresponding paragraph in the existing policy or insertion of new paragraphs. These references are for ease of reference during the consultation phase and will be deleted from the final document.

Additionally, attached as Appendix C is a table which provides a summary of the amendments proposed for the new policy.

2. Timetable for Consultation

The draft timetable suggested is as follows:

27 November 2007	Licensing Committee to consider and approve draft policy;
3 December 2007	Consultation period commences;
14 January 2008	Consultation period ends and consideration of any representations takes place;
January 2008	Report to be considered by the Licensing Committee for final approval of the Statement of Licensing Policy and referral to Council;

29 January 2008

Statement of Licensing Policy to be considered by the Council for final approval and the new statement of licensing policy comes into effect on that day.

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 existing and draft Statement of Licensing Policy together with information as regards making representations will be available on the Council's website;
- Copies of the document will be sent to all libraries and will also be available at the Licensing Section and the City Helpdesk;
- A press release will be prepared for the media;
- 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 is already available in each of the Group Rooms.

4. Appendices

Appendix A	Existing Statement of Licensing Policy;
Appendix B	Draft Statement of Licensing Policy for period 2008 – 2011;
Appendix C	Summary of the amendments proposed for the new policy.



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Licensing Manager
For City Solicitor

Background papers - None