

## **CITY COUNCIL - 12 JULY 2010**

### **REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT & CLIMATE CHANGE**

#### **REVIEW OF STATEMENT OF LICENSING POLICY**

##### **1 SUMMARY**

- 1.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and public a Statement of Licensing Policy (the Statement). A new policy is required to come into force with effect from 7 January 2011 and is required to go through a consultation process prior to its adoption. The proposed draft Statement is attached to this report for approval prior to its release for public consultation (Appendix 1). Details of the method of consultation are also set out in the report
- 1.2 The purpose of the Statement is to inform individuals making applications for licences of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and approved guidance issued by the Department of Culture, Media and Sport in accordance with Section 182 of the Act.
- 1.3 The consultation document also includes consideration of the existing Cumulative Impact area

##### **2 RECOMMENDATIONS**

It is recommended that Council:

- 2.1 approves the release of the draft The Statement for public consultation

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 It is a statutory requirement that a new Statement be adopted with effect from 7<sup>th</sup> January 2011

3.2 It is proposed that the outcome of the consultation, including any proposed amendments following such consultation, be reported to Council at its meeting in December 2010 when Council will be required to approve the Statement in order to meet its statutory duties.

#### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

4.1 NONE – statutory requirement

#### **5 BACKGROUND**

5.1 The Council is a Licensing Authority for the purpose of the Licensing Act 2003.

5.2 Section 5 of the Act requires the Licensing Authority to prepare, consult and publish a Statement every three years. There is however a proposal currently being debated as to whether the three year time limit on the life of the Statement should be removed. The Statement is in any event kept under review and the Authority may make revisions to it as and when it deems appropriate. The Statement must be published before the Authority carries out any functions in respect of applications made under the terms of the Act. Approval of the Statement is not an Executive function and only the Licensing Authority (Full Council) can adopt or review it.

5.3 Before determining its Statement of Policy, the Authority must consult with:

- The chief officer of police for the Authority's area
- The fire authority for that area
- Such persons as the Authority considers to be representative of holders of premises licences issued by the Authority
- Such persons as the Authority considers to be representative of holders of club premises certificates issued by the Authority
- Such persons as the Authority considers to be representative of holders of personal licences issued by the Authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area

5.4 Consultation should last for a 12 week period.

5.5 As with previous Statements there has already been liaison with neighbouring Licensing Authorities. The purpose of this is to try and ensure a consistency of approach where possible and appropriate whilst appreciating that each Authority will have its own specific issues and areas which need to be tackled. The Draft Statement has been edited to remove descriptive material and guidance that is available elsewhere and strengthened to spell out the effects of the Policy. In addition, following receipt of information from Nottinghamshire Police, the Cumulative Impact Policy has been amended by:-

- ◆ Strengthening the terms of the Policy to make it clear that applications to sell alcohol within the Saturation Zone will be refused where representations are received unless the applicant can show that the grant of a licence would not undermine the Policy
- ◆ Making it clear that the policy also applies to off licences
- ◆ Revising the boundaries of the Saturation Zone

The information provided by the police has been made available for inspection in the Members room in the run up to Council.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 The statutory fees levied for the regime are intended to cover the cost of the review of the Statement.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)**

7.1 The draft Statement has been the subject of legal advice to try to ensure conformity with the relevant legislation and guidance and that the Policies contained within it justifiable. It is a statutory requirement that the draft policy be the subject of consultation with prescribed bodies and individuals and that thereafter a Statement be approved by full Council to come into effect on 7 January 2011.

7.2 The Statement has been prepared to enable fairness to all parties in relation to Equality & Diversity issues

**8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 Letter dated 28 April 2010 from Inspector Andrew Townsend and enclosures

**9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 Licensing Act 2003

9.2 Guidance issued under section 182 of the Licensing Act 2003

**COUNCILLOR KATRINA BULL**