
Report of the Assistant Chief Executive (Corporate and Governance)

Licensing Committee

Date: 13th April 2010

Subject: Three year review of Statement of Licensing Policy

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and was reviewed in 2007 for adoption in Dec 2007.

The current policy is now due for review and the revised policy is due for adoption by 12th January 2011.

1.0 Purpose Of This Report

- 1.1 This report is to inform the Licensing Committee of the forthcoming review of the council's statement of licensing policy.

2.0 Background Information

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and was reviewed in 2007 for adoption in December 2007.
- 2.2 The Department of Culture, Media and Sport undertook a consultation in late 2009 to remove the requirement for the three yearly review from licensing authorities. This would have allowed licensing authorities to review and publish their policy as required. Local authorities were advised at the beginning of March that this change will not be made in time.
- 2.2 The current policy is now due for review and the revised policy is due for adoption by 12th January 2011.
- 2.3 In drafting and approving the revised policy the council will need to have regard to the guidance issued under Section 182 of the Act. In addition, before determining its policy for a three year period, a licensing authority must consult the persons and bodies set out at Section 5(3) of the Act.

3.0 Main Issues

3.1 Changes to policy

- 3.1.1 From an initial first draft, officers have reviewed the current policy and recommended changes to include minor variations and community premises. Other than these additions the rest of the policy is still considered to be fit for purpose and officers are not planning to make any major changes, except for those highlighted during the consultation period.
- 3.1.2 Officers are aware that both West Yorkshire Police and residents groups would like to make changes to the City Centre and Headingley cumulative impact policies which form part of the Statement of Licensing Policy.
- 3.1.3 Officers are meeting with the ward councillors and Area Committees that currently benefit from a CIP in April and the other Area Committees in June.

3.2 Public consultation

- 3.2.1 Officers are planning to take the policy out for public consultation between August and October 2010. Proposed consultation activities include:
- Press release
 - Webpage and electronic consultation form for online responses
 - Draft policy and poster in one stop shops, libraries and leisure centres
 - Draft policy and poster in Civic Hall and St George's House
 - A postal consultation with stakeholders including existing licence holders and ward members

3.3 Approval

- 3.3.1 The approval of a statement of licensing policy is a matter for full Council. The policy must be approved and reissued no later than 12th January 2011. In order to meet this timescale the most appropriate approval route is to report to Executive Board in June with the request that the second draft be approved as the public consultation draft by full Council in July.
- 3.3.2 Once the public consultation has been completed the final draft will be taken to Executive Board in November and full Council in December 2010.

4.0 Implications For Council Policy And Governance

- 4.1 In drafting and approving the revised policy, the council will need to have regard to the Section 182 guidance in the same way members of the Licensing Committee need to have regard to the guidance when making individual licensing decisions.

5.0 Legal And Resource Implications

- 5.1 No significant resource implications identified.
- 5.2 The policy lays down the council's main principals for exercising its functions under the Licensing Act 2003 and can be challenged by both the trade and the public. It is necessary to ensure that the policy is legally watertight and any departures from the Section 182 guidance can be justified.

6.0 Conclusions

- 6.1 The three yearly review of the licensing policy is due to take place this year. The policy approval is a matter for full Council, however Officers are intending to meet with all the area committee at an early stage so there is early member input. The policy will follow the same methodology as the Gambling Policy did last year, with the second draft being approved as the public consultation draft in July.

7.0 Recommendations

- 7.1 That Licensing Committee note the contents of this report.