



Report of the Assistant Chief Executive (Corporate Governance)

East (Outer) Area Committee

Date: Tuesday, 7th September 2010

Subject: Licensing Act 2003 Policy

Electoral Wards Affected:

Garforth & Swillington
Kippax & Methley
Cross Gates & Whinmoor
Temple Newsam



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

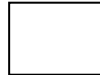
Community Cohesion

Narrowing the Gap

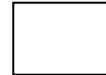
Council
Function



Delegated Executive
Function available
for Call In



Delegated Executive
Function not available for
Call In Details set out in the
report



Executive Summary

This reports advises East Outer Area Committee of the impending review of the Licensing Act 2003 Statement of Licensing Policy and public consultation. This report provides the Area Committee with the opportunity to make comment on the current policy.

1.0 Purpose Of This Report

- 1.1 This report advises the Area Committee of the review of the council's Licensing Act 2003 Statement of Licensing Policy.
- 1.2 This report also provides an opportunity for the Area Committee to make comment on the draft policy.

2.0 Background Information

- 2.1 The Licensing Act 2003 came into force in 2005 and brought the licensing of sale of alcohol, regulated entertainment and late night refreshment into one system which is administered by the council's entertainment licensing section.
- 2.2 As part of the Licensing Act 2003 there is a requirement placed on licensing authorities to develop a statement of licensing policy which describes the principles the council will use when determining licences under the Act.
- 2.3 We developed and consulted upon the Leeds City Council Statement of Licensing Policy in 2005 and have since reviewed it in 2007 for the period 2008 to 2010. We are required to review the policy on a three yearly basis and it is due for review again this year.
- 2.4 The current policy can be found on the Leeds City Council website at the following address:
http://www.leeds.gov.uk/Advice_and_benefits/Licences_and_street_trading/Licence_alcohol_and_entertainment/Licensing_Act_2003_Leeds_statement_of_licensing_policy_20082010.aspx
or by contacting Sue Holden on 0113 395 1863 who will provide a printed copy.

3.0 Main Issues

- 3.1 Officers have undertaken an initial review of the Licensing Policy and intend to make minor amendments to the main body of the policy which include the addition of the minor variation process and the provision for community halls to remove their Designated Premises Supervisor (person responsible for the authorisation of sale of alcohol), which will pass the responsibility of sale of alcohol to their Committee.
- 3.5 Public Consultation
- 3.6 As part of the review of the policy, the council consults with a number of stakeholders including the trade, existing licence holders, ward members, religious and community groups, the responsible authorities, MPs, the PCT, licensing solicitors and any other interested party that has requested to added to the consultation list during past consultations.
- 3.7 The public consultation normally runs for twelve weeks and it is expected that it will run from 12th July to 1st October.

3.8 Approval Process

3.9 The Policy is a matter for full Council. It is expected that the final draft of the policy will be taken to the full Council meeting in November. If the responses to the consultation require a major amendment to the policy, it is possible that there will be a smaller more directed consultation on these major changes, with the Policy going to full Council for adoption at a special meeting in December.

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 public consultation is likely to take place between July and October. Any amendments should be agreed before the public consultation in August.

7.0 **Recommendations**

7.1 That members note the contents of the report.

Background papers

- Licensing Act 2003 Statement of Licensing Policy 2008 to 2010