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**Report of the Assistant Chief Executive (Corporate Governance)**

**Executive Board**

**Date: 3rd November 2010**

**Subject: Licensing Act 2003 Statement of Licensing Policy**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In  
(Council decision)



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**Executive Summary**

This report provides members of the Executive Board with a revised draft Licensing Act 2003 Statement of Licensing Policy and the result of the public consultation.

Executive Board are asked to consider the revised draft and refer the matter to full Council, who will consider the approval of the Licensing Act 2003 Statement of Licensing Policy in November 2010.

## **1.0 Purpose of This Report**

- 1.1 The purpose of this report is to inform Members of the Executive Board of a review and public consultation of the Licensing Act 2003 Statement of Licensing Policy 2011 to 2013 (attached at **Appendix 1**). The Final Consultation Report is attached at **Appendix 2**.

## **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. Leeds City Council became the licensing authority for premises in the Leeds area and the system is administered and enforced by Entertainment Licensing. 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.
- 2.2 The Licensing Authority carries out its functions of the Act with a view to promoting the four licensing objectives which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance; and
  - The protection of children from harm
- 2.3 The first Statement of Licensing Policy 2005 - 2007 was adopted in January 2005 and was reviewed in 2007 for the period 2008-2010. The council is required to review the policy on a three yearly basis and it is due for review again this year.
- 2.4 Under the provisions of the Licensing Act, the approval of the Council's Statement of Licensing Policy is a function of the full Council, and not a function of the Executive. The function may not be delegated to officers or to the Licensing Committee established under the 2003 Act. As this is a full Council function this report is not eligible for call in.

## **3.0 Main Issues**

- 3.1 The consultation methodology is described in the Final Consultation Report attached at Appendix 2.
- 3.2 The public consultation took place between 12th July and 1st October. The council received 5 responses via the web form and 5 written responses. The full text of the responses are contained in the Final Consultation Report. This report also details the amendments proposed in response to the comments.
- 3.3 A revised draft Statement of Licensing Policy 2011 to 2013 is attached at Appendix 1.

3.4 Approval of the policy is a matter reserved to full Council and it is for Executive Board to decide, at this meeting, to refer the revised policy to full Council on their 17<sup>th</sup> November meeting for formal adoption of the Policy.

#### **4.0 Implications for Council Policy and Governance**

4.1 The council is required to have a licensing policy under the provisions of the Licensing Act 2003 and to review it at least every three years. Under regulations issued by the Secretary of State, the revised policy must be approved no later than the 7 January 2011.

4.2 It is a requirement that members of the Licensing Committee have regard to the council's policy when making decisions under the Licensing Act 2003.

#### **5.0 Legal and Resource Implications**

5.1 As identified in the report there is a requirement under the Licensing Act 2003 to revise and approve a policy on or before 7 January 2011.

5.2 Approving a policy which is not consistent with the promotion of the licensing objectives, the evidence gathered, or which fails to take into account the views of the residents and businesses of Leeds (including the licensing trade) may result in a challenge to the policy and/or licensing decisions on grounds that the policy is unlawful.

5.3 The costs of revising the policy are covered within the budget of Entertainment Licensing.

#### **6.0 Conclusions**

6.1 That Members should consider the proposed responses to the consultation and the evidence gathered at Appendix 2. Members should consider whether to recommend the revised policy at Appendix 1 for approval at Council.

#### **7.0 Recommendations**

7.1 Members are requested to:

7.2 Consider the responses to the consultation carried out and the Final Consultation Report at **Appendix 2**, and endorse the proposed responses to the consultation exercise and recommend to full Council that these be approved as the Council's response to matters raised in consultation;

7.3 Note the revised draft Statement of Licensing Policy set out at **Appendix 1**, and recommend to full Council that this be approved as the final Policy under the Licensing Act 2003.

#### **Appendices**

Appendix 1	Licensing Act 2003 Statement of Licensing Policy
Appendix 2	Final Consultation Report

**Background papers**

Licensing Act 2003

DCMS Guidance issued under Section 182 of the Licensing Act 2003