
Report of the Assistant Chief Executive (Corporate and Governance)

Licensing Committee

Date: 20th July 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 7th January 2011.

1.0 Purpose Of This Report

- 1.1 This report is to inform the Licensing Committee of the forthcoming consultation of the council's Licensing Act 2003 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 current policy is now due for review and the revised policy is due for adoption by 7th 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

- 3.2 An initial review determined that the policy only required minor amendments to reflect recent changes within the Licensing Act 2003.. These amendments were made and a draft policy was distributed to the responsible authorities. No comments were received.
- 3.3 In 2007 the council made a commitment to thoroughly review the cumulative impact policies (CIPs) that affect the city centre, Headingley, Hyde Park, Chapel Allerton and Horsforth at the next review of the policy in 2010. This review was started in February 2010 and involved consultation with ward members, West Yorkshire Police and Leeds City council's City Development Department. The concerns of the residents were taken into consideration (via the relevant ward members) as well as statistics provided by West Yorkshire Police and Leeds City Council's Health and Environment Action Service.
- 3.4 The five existing CIPs were scrutinised and amendments were agreed which generally increased the areas involved and, in some cases, increased the scope to include other premises which have created an adverse impact on those areas.

- 3.5 The proposed changes are provided in the Interim Consultation Report (appendix 1)

3.6 Purpose of the Statement of Licensing Policy

- 3.7 The purpose of the policy is to set out the principles upon which the licensing authority will exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the Licensing Authority will refer to the policy when making decisions.

3.8 Purpose of the consultation

3.9 It is a requirement of the Licensing Act 2003 that licensing authorities consult with people affected by the policy. Specifically the Act states:

3.10 Before determining its policy for a three year period, a licensing authority must consult –

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licence issued by that authority
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificate issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

3.11 Consultation Methodology

3.12 In order to meet the requirements of the Act the council has undertaken the following steps:

1. Undertaken an officer review of the policy, made a number of amendments and resolved to thoroughly review the CIPs to ensure they are still relevant and proportional regarding the issues experienced in those areas.
2. Held a series of meetings with the relevant ward members, officers from West Yorkshire Police, officers from City Development, including local planning officers, forward planning and regeneration and the Crime and Disorder Reduction Partnership.
3. Scrutinised crime figures relating to rowdy behaviour, anti-social behaviour and violent crime.
4. Scrutinised Environmental Health nuisance figures relating to noise nuisance and littering.
5. Examined data relating to the number of new and variation applications.

3.13 This work produced a first draft of the revised policy which was sent to all the responsible authorities for comment. It was also sent to the ward members who were involved in the review. This consultation took place between 9th and 30th June. The council did not receive any comments.

3.14 The public consultation will run from 12th July to 1st October 2010. This consultation will include:

- a postal consultation to the trade, support groups, religious groups, ward members and local MPs.
- a press release
- copies of the policy and this report placed in libraries, one stop shops and leisure centres for the public to access along with postage paid envelopes and a short questionnaire.

- a webpage on the Leeds City Council website which will provide the consultation documents and online questionnaire.
- public meetings in Horsforth, Chapel Allerton and Headingley to discuss the changes to the CIPs.

3.15 Approval

3.16 The approval of a statement of licensing policy is a matter for full Council. The policy must be approved and reissued no later than 7th January 2011. Once the public consultation has been completed the final draft will be taken to Executive Board and full Council in November.

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 have met with all interested Area Committees to provide an early opportunity for input.

7.0 Recommendations

7.1 That Licensing Committee note the contents of this report.

Appendix 1 – Interim Consultation Report