
Report of the Assistant Chief Executive (Corporate and Governance)

Licensing Committee

Date: 16th November 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 5th January 2011.

This report advises Licensing Committee of the current status of the review.

1.0 Purpose Of This Report

- 1.1 This report is to inform the Licensing Committee of the review and public consultation of the Licensing Act 2003 Statement of Licensing Policy 2011 to 2013. This report briefly details the changes proposed in the review. Both the draft Policy and a Final Consultation Report are available as background papers. However a briefing note detailing the changes to the policy is attached at Appendix 1.

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 5th 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 at appendix 1.

3.6 Approval

3.7 The approval of a statement of licensing policy is a matter for full Council. The policy must be approved and reissued no later than 5th January 2011. Now the public consultation has been completed the final draft has been taken to Executive Board on 3rd November and full Council on 17th 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 Briefing Note – Changes to Statement of Licensing Policy 2011-2013

Background Papers:

- Licensing Act 2003 Statement of Licensing Policy 2011-2013
- Final Consultation Report