

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 24th July 2012

Subject: Working Groups for Licensing Act and Sex Establishment Policy Reviews

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. Major changes to the Licensing Act 2003 came into effect on the 25th April. As a consequence the council's Statement of Licensing Policy requires review and amendment.
2. Licensing Committee decided at the June meeting to bring forward the review of the Sex Establishment Statement of Licensing Policy.

Recommendations

3. That Licensing Committee considers the contents of the report and agrees the membership of the two working groups.

1.0 Purpose of this report

- 1.1 This report is a follow on report from May's Licensing Committee where members decided that a working group was an appropriate method of member involvement for the Licensing Act 2003 Statement of Licensing Policy and the June meeting where members decided to bring forward the review of the Sex Establishment Licensing Policy.
- 1.2 This report outlines the proposed timescales for both policy reviews and a tentative program of work to aid members in setting working group membership.

2.0 Background information

- 2.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent in September 2011 and brought a number of changes to the Licensing Act 2003 which were designed to give power back to local communities and to make it easier for Licensing Authorities to deal with problem premises and the problems associated with late night drinking.
- 2.2 These changes made fundamental changes to the way licence applications are determined and therefore there is a need to review the Statement of Licensing Policy.
- 2.3 The Policing and Crime Act 2009 made changes to the Local Government (Miscellaneous Provisions) Act 1982 which brought lap dancing clubs into the same licensing regimes as sex shops and sex cinemas. The seven lap dancing clubs currently operating in Leeds applied for a new sex establishment licence and a licensing sub committee heard and made determinations on these seven licences in line with the Licensing Policy approved by Executive Board in November 2011.
- 2.4 In response to the consultation on the original policy in 2011, the council undertook to review the council's policy on sex establishments 18 months after implementation. The representation made in response to the applications indicate that the policy may not reflect the views of the city and an earlier consultation is indicated.

3.0 Main issues

3.1 Licensing Act 2003 Statement of Licensing Policy

- 3.2 The main issues that may be considered by a working group during the review of the policy are:
 - Minor amendments to the policy to reflect the changes, i.e. removal of the definition of interested parties, role of the licensing authority as a responsible authority, etc
 - Review of the cumulative impact policies
 - Policy decision on Late Night Levy and Early Morning Restriction Orders
 - Provision of local information to assist applicants
 - Measures to reduce alcohol related crime and disorder

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| 3.3 | Proposed timescale | |
| | First meeting of the working group to scope the review | Aug 2012 |
| | Meetings with members, area committees, stakeholders, responsible authorities | Sep to Jan 2013 |
| | Draft of new policy | Feb 2013 |
| | Public Consultation | Apr to Jun 2013 |
| | Consideration of responses | Jul 2013 |
| | Approval process commences | Sep 2013 |
| | Full council | Nov 2013 |

3.4 Late night levy, early morning restriction orders and locally set fees will all require their own consultation and approval process. The detail of these processes is expected by way of secondary legislation due October 2012 and spring 2013.

3.5 Sex Establishment Statement of Licensing Policy

3.6 The issues that the working group may like to consider in the review of the Sex Establishment Policy could be:

- Location
- Number of premises
- Setting a cap
- Method of consultation
- Further research
- Conditions

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| 3.7 | Proposed timescale: | |
| | First meeting of the working group to scope the review | Aug 2012 |
| | Meetings with interested parties | Sep to Dec 2012 |
| | Draft of new policy | Dec 2012 |
| | Public Consultation | Jan to Mar 2013 |
| | Consideration of responses | Apr 2013 |
| | Approval process commences | May 2013 |
| | Executive Board | Jun 2013 |
| | (Potential call in) | (Jul 2013) |
| | (Potential return to Exec Board) | (Sep 2013) |

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 All licensing consultation follow the same consultation process which includes a 12 week postal consultation. In addition officers and members may decide to undertake more directed consultation with area committees, local community safety officers, residents groups and local business owners.

4.1.2 In addition there is a requirement under the Licensing Act 2003 to consult with:

- a. The chief officer of police
- b. the fire authority
- c. such persons as the licensing authority considers to be representative of holders of licences issued by that authority

- d. such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 All of Entertainment Licensing's work is assessed for the impact on equality, diversity, integration and cohesion every three years as per the Council policy. In addition all new policies are screened during the consultation process.

4.3 Council Policies and City Priorities

- 4.3.1 This report discusses the impact on the Licensing Act 2003 Statement of Licensing Policy and the Sex Establishment Statement of Licensing Policy and the options that are open to the council.

4.4 Resources and Value for Money

- 4.4.1 The review and consultation on the Statement of Licensing Policy will have an additional impact on resources, as this is an unplanned amendment on a policy that was only set last year. However we have taken advice from the Home Office and have been told that we will need to amend our Licensing Policy, but that the scale of the consultation should be commensurate with the changes.
- 4.4.2 Additionally the review of the Sex Establishment Licensing Policy has been brought forward. A review that was to commence in approximately 12 months, will commence in August in order to be in place by September 2013.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications for this report, as the decision to be made by the Licensing Committee relates to their involvement in the review of licensing policies. The amended policies will be assured by Legal Services before approval.

4.6 Risk Management

- 4.6.1 Licensing Committee could decide not to be involved until such time that the draft policy is placed before Licensing Committee just before consultation and before starting the approval process but there is a risk that the process would be delayed should the Committee decide to make changes to the policy at such late stage.

5 Conclusions

- 5.1 The Police Reform and Social Responsibility Act 2011 and the resulting changes to the section 182 Guidance have meant that the council's Statement of Licensing Policy will require reviewing and amending.
- 5.2 The current approval of sex establishment licence applications has highlighted the need for an early review of the sex establishment policy to ensure it still meets the needs of the city.

5.3 Licensing Committee has already agreed to form working parties to progress the review of the policies. This report highlights the potential scope of the reviews.

6 Recommendations

6.1 That Licensing Committee considers the contents of the report and agrees the membership of the two working groups.

Background Papers

None