

REPORT TO: Licensing and Regulatory Committee
Council

DATE: 25/10/2010
16/12/2010

SUBJECT: Draft Revised Statement of Licensing Policy – Licensing Act 2003

WARDS AFFECTED: All

REPORT OF: P.J. Moore,
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**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Council approval of the revised Statement of Licensing Policy.

REASON WHY DECISION REQUIRED:

The Licensing Act 2003 requires all Licensing Authorities to prepare and publish a 'Statement of Principles' that they propose to apply in exercising their functions under the Act every three years. The current Policy came into force on 7th January 2008.

RECOMMENDATION(S):

That the Licensing and Regulatory Committee:

- 1) Consider and agree the final draft of the revised Statement of Licensing Policy, attached at Annex 1; and
- 2) Refer the agreed revised Statement of Licensing Policy to full Council for approval.

That the Council approve the revised Statement of Licensing Policy, as attached at Annex 1, to come into force on 7th January 2011.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: 07/01/2011

ALTERNATIVE OPTIONS:

Publication of the Statement is a legal obligation and therefore there are no alternative options.

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

No financial implications arising from this Report.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton Capital Resources	–	–	–	–
Specific Capital Resources	–	–	–	–
<u>REVENUE IMPLICATIONS</u>	–	–	–	–
Gross Increase in Revenue Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton funded Resources	–	–	–	–
Funded from External Resources	–	–	–	–
Does the External Funding have an expiry date? Y/N N	When?			
How will the service be funded post expiry?				

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

Legal: None

Risk Assessment: None

Asset Management: None

Consultation Undertaken/Views

- Statutory consultation has been undertaken – see paragraph 3 of this report.

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

- *Licensing Act 2003 – Statement of Licensing Policy 2011* - Report to Licensing and Regulatory Committee, 18th January 2010.
- *Draft revised statement of Licensing Policy – Licensing Act 2003* - Report to Licensing and Regulatory Committee, 7th June 2010.
- Existing Statement of Licensing Policy.
- The Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.

Background

1. Members will recall that Section 5 of the Licensing Act 2003 (“the LA03”) requires the Licensing Authority to prepare and publish a statement of its licensing policy (“the Policy”) every three years. During this three year period, the Policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the chief officer of police, on whether the statutory four licensing objectives are being met.
2. The existing Policy has been kept under review since coming into force on 7th January 2008 and no revision has been deemed necessary to date. However, the Policy requires formal revision during 2010 in order for it to take effect from 7th January 2011 (when the new three year cycle will commence).
3. Before determining its Policy, for any three year period, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
 - a) the Chief Officer of Police for the area;
 - b) the Fire Authority for the area;
 - c) persons/bodies representative of local holders of premises licences;
 - d) persons/bodies representative of local holders of club premises certificates;
 - e) persons/bodies representative of local holders of personal licences;
and
 - f) persons/bodies representative of businesses and residents in its area.
4. At their Meeting on 18th January 2010 Members endorsed the timetable for the production of the revised Policy, the details of which can be summarised as follows:

May /June 2010

- First draft presented to Members for comment.
- Agree revised draft for outside consultation.

July / August 2010

- Outside consultations to take place.
- Revise Policy (as necessary) as a result of consultations.

September/November 2010

- Present updated Policy to Licensing & Registration Committee for comments and any final amendments.
- Submit to full Council for agreement.

December 2010

- Publish revised Policy (to come into effect from 7th January 2011).
6. At their Meeting on 7th June 2010 the Licensing and Regulatory Committee agreed the form and the scope of the consultation to take place on the revised Policy.

The Revised Statement of Licensing Policy

7. This consultation took place between 28th June 2010 and 19th September 2010. A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 2 to this report.
8. As a result of the consultation, and changes to legislation, further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 7th June 2010, these are indicated below.
9. In response to feedback from the consultation Paragraph 1.11 amended, to now read as follows:

Sefton's Safer and Stronger Communities Partnership, as part of its legal responsibilities under the Police and Justice Act 2006, determines which crime, disorder, anti-social behaviour, substance misuse, environmental crime and offending issues affect local communities the most. Nationally, crime figures suggest that victims of violent crime believed their attacker was under the influence of alcohol in 47% of incidents, increasing to 62% when they did not know the attacker; violent crime within Sefton reflects this national picture.

10. Due to imposition of new mandatory conditions regarding age verification policies, (imposed as of 1st October 2010) first sentence of Paragraph 3.14 removed and "With regard to the mandatory condition concerning age verification policies" added to new first sentence; to now read:

With regard to the mandatory condition concerning age verification policies, the Authority recommends that the following documents should be used as proof of age:

- *Passport;*

- *'Photocard' Driving Licence; or,*
- *Any PASS (Proof of Age Standards Scheme) card (details from www.pass-scheme.org.uk).*

11. In response to feedback from the consultation new Paragraph 4.7 added, to read as follows:

Sefton's Safer and Stronger Communities Partnership has developed interventions including the Best Bar None campaign (promoting responsible management of licensed premises) and separate campaigns promoting responsible drinking for events such as Football World Cup and Christmas, and the Authority commends their use to Licensees.

12. Existing Paragraph 4.7 re-numbered to 4.8 accordingly.