

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 18th January 2010

Title of Report: PROPOSALS FOR TRIAL LEAFLETING SCHEME UNDER THE LICENSING ACT 2003

Report of: P. J. Moore
Environmental Protection Director

Contact Officer: K.T. Coady,
Senior Licensing Officer
0151 934 2946

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To inform Members of the proposals to be put in place for the 12 month trial to leaflet residents and businesses with regard to certain applications made under the Licensing Act 2003.

Recommendation(s)

That Members:

- (i) endorse these proposals and the proposed commencement date of 1st April 2010; and,
- (ii) note the fact that a further Report will be brought forward at the end of the 12 month trial period.

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
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		√	

Financial Implications

The cost of the trial will be undertaken from existing budgets

List of background papers relied upon in the preparation of this report

- The Licensing Act 2003.
- Overview and Scrutiny Report to Licensing and Regulatory Committee entitled "Community Involvement - Licensing Act Working Group".
- Guidance issued under section 182 of the Licensing Act 2003 – 9th July 2009.

Background

1. Members will recall that at their Meeting on 23rd November 2009 they considered the Overview and Scrutiny Report entitled "Community Involvement - Licensing Act Working Group", it was RESOLVED that Cabinet be requested:
 - (i) to endorse the recommendations in paragraph 9.0 of the report of the final report;
and,
 - (ii) if so minded, to approve the recommendations in paragraph 9 of the report, refer their decision to all Area Committees for information.
2. At their Meeting on 17th December 2009, Cabinet considered this matter and RESOLVED:
 - That the recommendations set out in Paragraph 9 of the report be approved and be referred to all Area Committees for information.
3. The recommendations referred to in 1.(1) and 2. above being:
 - That those occupiers and owners of properties with curtilages abutting those premises applying for a Premises Licence, Club Premises Certificate, the Variation of a Premises Licence or Club Premises Certificate or any Premises subject to a review, be notified of any such application.
 - Any such Borough-Wide notification procedure to be adopted for a 12 month period with the results of the pilot being the subject of a further report to the Licensing and Regulatory Committee to consider whether the scheme of notification be continued/enhanced/withdrawn, as appropriate prior to the full review of Sefton's Statement of Licensing Policy for 2011.
 - That the Report in relation to the outcomes of the Borough-Wide pilot on notification be submitted to the Overview and Scrutiny Committee (Regeneration and Environmental Services) for information.

Trial Leafleting Scheme Details

4. It is proposed that the Leafleting Scheme will commence on 1st April 2010 and will run up to and include 31st March 2011 and will be Borough wide.
5. This timeframe covers the full licensing inspection year for 2010 / 2011 and as such will enable comparisons to be drawn directly with regard to any impact the Scheme may have on:
 - (i) the inspection regimes (for both Licensing Act 2003 and Gambling Act 2005 premises);

- (ii) the answering of and dealing with service requests; and,
 - (iii) the other statutory licensing work of the Section.
6. The 1st April commencement will enable the setting up of the new processes involved as well as the purchase of the appropriate computer mapping software.
7. The Statement of Licensing Policy will require revising during 2010, in order for it to take effect from 7th January 2011, and it will need to include mention of the Leafleting Scheme. It is proposed, therefore, to include the following new Paragraph 5.11:
- The Licensing Authority will notify those residential and business properties with curtilages abutting those premises applying for a Premises Licence or a Club Premises Certificate, the Variation of a Premises Licence or Club Premises Certificate, or any premises subject to a review. Whilst this is not a statutory requirement, the Licensing Authority is of the belief that it is important to ensure that the community are fully aware of licensing applications made in their area and as such this will ensure that local people have a voice in licensing decisions. All Councillors will be notified of any such applications received.*
8. The revision of the Policy will be the subject of separate update Reports to the Committee throughout the year.
9. A copy of the proposed leaflet to be used in respect of Grant / Variation applications can be found within Annex 1 to this Report and the proposed leaflet to be used for Reviews can be found within Annex 2.
10. Both leaflets have been drafted with a view to being as neutral in tone as possible in order to avoid any accusations that the Licensing Authority is in fact “trawling for objections”.
11. The leaflets will inform residents of the type of application that has been made and of the various ways in which they may obtain further details of the application.
12. These being obtained from:
- (i) the Sefton Council Website (via the Licensing Register pages or the Review page dependant upon the application);
 - (ii) Sefton Plus Contact Centre; or,
 - (iii) by making an appointment to view the application itself at the Licensing Section’s Offices.

These being similar to the processes used under the Planning model.

13. Should residents require detailed information on how they can submit representations (either for or against an application), or indeed should they have any other questions that the Contact Centre cannot assist with, the direct line of the Licensing Officer dealing with the case will also be included on the leaflet.

Annex 1
**Environmental Protection
Department**

Licensing Unit,
Sefton MBC, Magdalen House
30 Trinity Road,
Bootle, L20 3NJ

To: Businesses and Residents

Date:
Our Ref: MXXXXX
Your Ref:

Please contact: Kevin Coady
Contact Number: 0151 934 2946
Fax No: 0151 934 4276
e-mail: Licensing@environmental.sefton.gov.uk

Dear Sir/Madam,

Licensing Act 2003 Premise Licence / Club Premise Certificate: Grant / Variation

Name & address of premises

I write to inform you that the above premises have made an application to the Licensing Authority for the Grant / Variation of a Premise Licence / Club Premise Certificate.

Details of the terms and conditions applied for can be viewed via the Sefton Council Website at www.sefton.gov.uk/Default.aspx?page=7801. Alternatively the details can be obtained via the Sefton Plus Contact Centre on 0845 140 0845 (simply quote the reference number MXXXXX).

A copy of the application can be viewed, by prior appointment, between 9am and 4pm, at the above address.

If you have any further queries regarding this application I can be reached on the above direct line.

Yours sincerely

Kevin Coady
Senior Licensing Officer

Annex 2

**Environmental Protection
Department**

Licensing Unit,
Sefton MBC, Magdalen House
30 Trinity Road,
Bootle, L20 3NJ

To: Businesses and Residents

Date:
Our Ref: MXXXXX
Your Ref:

Please contact: Kevin Coady
Contact Number: 0151 934 2946
Fax No: 0151 934 4276
e-mail: Licensing@environmental.sefton.gov.uk

Dear Sir/Madam,

**Licensing Act 2003 Premise Licence / Club Premise Certificate: Review
Name & address of premises**

I write to inform you that an application has been made to the Licensing Authority to Review the Premise Licence / Club Premise Certificate in respect of the above premises.

Details of the Review application, including the Grounds for Review, can be viewed via the Sefton Council Website at www.sefton.gov.uk/Default.aspx?page=4082. Alternatively these details can be obtained via the Sefton Plus Contact Centre on 0845 140 0845.

A copy of the application can be viewed, by prior appointment, between 9am and 4pm, at the above address.

If you have any further queries regarding this application I can be reached on the above direct line.

Yours sincerely

Kevin Coady
Senior Licensing Officer