



AGENDA ITEM:

**LICENSING & GAMBLING
COMMITTEE:**

27 November 2007

COUNCIL:

12 December 2007

Report of: Executive Manager Community Services

Contact for further information: Mr Paul Charlson (Ext 5246)

SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY

LG13/CAL

District wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To approve the revised statement of licensing policy in principle prior to its submission to full Council.

2.0 RECOMMENDATIONS TO LICENSING & GAMBLING COMMITTEE

- 2.1 In accordance with Section 5 of the Licensing Act 2003, the revised Statement of Licensing Policy be approved with respect to the exercise of the Licensing Authority's functions under the Licensing Act 2003.

2.0 RECOMMENDATIONS TO COUNCIL

- 2.1 In accordance with Section 5 of the Licensing Act 2003, the Statement of Licensing Policy is approved with respect to the exercise of the Licensing Authority's functions under the Licensing Act 2003.
- 2.2 That the Executive Manager Community Services be authorised to publish the agreed Statement of Licensing Policy prior to the statutory deadline of 7th February 2008.

3.0 BACKGROUND

- 3.1 The Licensing Act 2003 became law on 24th November 2005 and established a single integrated scheme for licensing premises that are used for the sale/supply of alcohol, regulated entertainment or late night refreshment. Since that time the Council, like all Local Authorities in England and Wales, has taken the role of 'Licensing Authority' under the Act and has overseen these new controls.
- 3.2 As part of these responsibilities, the Act requires that all Licensing Authorities produce a statement of Licensing Policy to provide all stakeholders with guidance on the approach that the Licensing Authority will take under the Act. The first such Policy Statement was published by the Council on the 8th February 2005 and has been used extensively, and successfully, since that time. However, the Act requires that all Licensing Authorities review their Policy Statements at least every 3 years, and therefore this attached revised Policy Statement must be agreed before the 7th February 2008.

4.0 CURRENT POSITION

- 4.1 A report to Council on 18th July 2007 requested delegated authority for the Executive Manager Community Services to prepare, and consult upon, a draft revised Statement of Licensing Policy, which would be returned to Full Council for approval before the 8th February 2008.
- 4.2 The Statutory Guidance (the Guidance), issued under Section 182 of the Act recommended that consultation on draft statements of Licensing Policy last for a minimum of 12 weeks.
- 4.3 Section 5(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:
- Chief Officer of Police for the Licensing Authority's area,
 - The Fire Authority for that area,
 - Those representative of premises licence holders, club premises certificate holders, personal licence holders, businesses and residents in the area.
- 4.4 The Guidance also suggests that Licensing Authorities should consult on a wider basis including Community Safety Partnerships, local A&E departments, Trading Standards, local tourism representatives, local performers' representatives etc. However, the Guidance further states that it is for the Licensing Authority to decide the full extent of its consultation and should also have regard to cost and time.
- 4.5 Following Council approval, a formal 12-week consultation period was established, running from the 1st August 2007 until the 31st October 2007. A full

list of consultees is given as an Appendix to this report, which includes all of the statutory and discretionary consultees. An explanatory letter was sent to each of the named consultees requesting their comments and providing the web address where the draft revised Statement of Licensing could be viewed. A specific response form was devised and appended to the draft revised Statement of Licensing Policy for ease of respondents use, as well as a table highlighting the key changes between the 2005 Policy and the revised 2008 version.

4.6 In addition, the following activities were undertaken to ensure an increased local awareness of the draft revised Statement of Licensing Policy and provide the means by which interested parties could respond to the consultation:

- Attendance at 'Pub-Watch' schemes in Ormskirk & Upholland;
- Regular press updates drawing attention to the draft revised Statement of Licensing Policy and the need for contributions (details of the consultation were published on the front page of the 'Midweek Advertiser' on the 29th August 2007);
- 'Have your say' leaflets distributed to all Council offices, police stations and libraries in the District, giving details of the draft revised Statement of Licensing Policy and where and how comments could be made;
- 'Have your say' posters provided at the main Council office, town centre and libraries in the District, giving details of the draft revised Statement of Licensing Policy and where and how comments could be made;
- Copies of the draft revised Statement of Licensing Policy available at main Council offices,
- Draft revised Statement of Licensing Policy posted on the Council's website, with specific online forms to receive comments.
- Use of a dedicated email address to receive comments on the draft revised Statement of Licensing Policy and other licensing queries,
- Chairing monthly meetings with representatives from Police, Fire & Magistrates Courts Services, with colleagues from Chorley and South Ribble Councils. (These meetings have taken place since late 2002 and coordinate the local response to the Act and promote consistency of policy and approach),
- Chairing of regular Lancashire wide licensing meetings with senior representatives from all Lancashire Local Authorities, Police, Fire & Magistrates' Court Services.

5.0 ISSUES

5.1 The revised Statement of Licensing Policy appended to this Report has been compiled using all available legislation and guidance and takes account of the views expressed during the consultation period. However, the revised Policy does not differ greatly from the 2005 version with regard to any broad principle or

procedural matters. Rather it provides a more accurate, succinct and practical document that builds upon the experience of Officers, Members, Responsible Authorities and Interested Parties since 2003, and it is hoped will be of greater use to these stakeholders for the next 3 years. (A copy of the consultation response analysis is also appended for Members' information).

- 5.2 In order for the Council to function as Licensing Authority, the appended revised Statement of Licensing Policy must be approved for publication and use.

6.0 PROPOSALS

- 6.1 In order to meet the requirements of Section 5 of the Licensing Act 2003, the revised Statement of Licensing Policy be approved by Council with respect to the exercise of the Licensing Authority's functions under the Licensing Act 2003.

- 6.2 In order to meet the requirements of Section 5 of the Licensing Act 2003, the Executive Manager Community Services be authorised to publish the statement of Licensing Policy agreed by Council prior to the statutory deadline of 7th February 2008.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 This Act has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Licensing Objectives, therefore, fit closely with many aspects of the Community Strategy, and the proposal has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A). The operation of the Act links closely with the Corporate Priority Action Plan, as one of the four Licensing Objectives (under the Act) is the 'prevention of crime and disorder', and therefore will be influential to 'combat crime and the fear of crime'.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 No additional financial or other resources are required.

9.0 RISK ASSESSMENT

- 9.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the licensed trade, the public and other interested parties associated with this legislation and its administration.

10.0 CONCLUSIONS

- 10.1 The revised Statement of Licensing Policy will continue to have far reaching implications and aims to reflect the issues that have arisen in the District since the Act came into force. It therefore aims to provide improved guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants.
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Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

- 10th July 2003: Licensing Act 2003
28th June 2007: Guidance issued under Section 182 of the Licensing Act 2003
7th February 2005: West Lancashire District Council – Statement of Licensing Policy

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

- Appendix 1 - West Lancashire District Council - Statement of Licensing Policy 2008
Appendix 2 - Consultation response analysis details