

**LICENSING  
COMMITTEE**

**29th November 2010**

**STATEMENT OF LICENSING POLICY 2011-2014 – LICENSING ACT 2003**

Relevant Portfolio Holder	Cllr. Juliet Brunner
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services.
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

To receive a report following consultation with stakeholders, to renew the Statement of Licensing Policy for the District for period 2011-2014.

**2. RECOMMENDATIONS**

**The Committee is asked to RECOMMEND that**

**the Statement of Licensing Policy for the Borough for the period 2011-2014 (Appendix 1) be renewed, incorporating the minor changes as detailed within the report.**

**3. BACKGROUND**

The Statement of Licensing Policy is prepared in accordance with the provisions of the Licensing Act 2003 and Guidance issued by the Secretary of State under Section 182 of the Act.

**4. KEY ISSUES**

4.1 The Statement of Licensing Policy is a live document, subject to continuous review, to meet the changing needs of the community, business circumstances and legislation (copy at appendix 1).

4.2 In carrying out its review, Officers have consulted with the following bodies:

- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Worcestershire Safeguarding Children Board; and Local Weights & Measures.
- District Councillors;
- Such persons to be considered a representative of holders of a premises licence, club premises certificate, personal licences, businesses and residents within the district;

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- Details were also placed on the Council's Website and at the Customer Service Centre.
- All other District Councils within Worcestershire.

- 4.3 Letters and a copy of the draft Policy were sent out to all stakeholders, and posted on the Council's website for responses to be received by 8th September 2010.
- 4.4 Officers have engaged with Worcestershire Regulatory Services with the intention of providing a Policy which is as far as it is able, consistent with the other districts in Worcestershire.
- 4.5 The schedule of responses from the consultation is attached at Appendix 'B'. In general the responses support the content of the policy and the Council's positive approach to the legislation.
- 4.6 Supporting documents; such as a list of responsible authorities, will be added to the Policy as appendices when available.

### **5. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from any revision or amendments to the Policy.

### **6. LEGAL IMPLICATIONS**

- 6.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every 3 years.
- 6.2 Policies have several advantages, ensuring the transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.
- 6.3 The Council has a duty to have due regard to the effect of its functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area by virtue of Section 17 of the Crime and Disorder Act 1998, which is also one of the "Licensing Objectives" detailed within the legislation.

### **7. POLICY IMPLICATIONS**

The Council's Statement of Licensing Policy was last renewed for the period 2008-2011, and needs to be renewed and in place from 7th January 2011 in

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accordance with the Licensing Act 2003 and the Guidelines issued by the Secretary of State.

## **8. COUNCIL OBJECTIVES**

This Policy will assist the Council in meeting its statutory function under the Licensing Act 2003.

## **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

The Policy seeks to promote the four licensing objectives set out in the relevant legislation and minimise adverse effects on the local community.

## **10. CUSTOMER IMPLICATIONS**

10.1 Neighbouring authorities are also proposing to adopt similar policy statements, this will allow for greater consistency, particularly across the County, in the way in which applications will be determined. This will be helpful for trade organisations that also have premises in neighbouring local authority areas.

10.2 A copy of the Statement of Licensing Policy will be available on the Council's website as well as on request from the Licensing Section.

## **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 The Draft Revised Policy has now undergone the necessary consultation and has been circulated and published on our web pages as part of the formal consultation process, prior to adoption and publication.

## **12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None.

## **13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None.

## **14. HUMAN RESOURCES IMPLICATIONS**

None.

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**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF  
CRIME AND DISORDER ACT 1998**

The Council's Community Safety Unit has been consulted on this Policy.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None.

**18. LESSONS LEARNT**

18.1 The Statement of Licensing Policy has been applied over the past six years in a similar format, and has been used successfully in both the administration, and Review of Licenses within the Borough.

18.2 It has now been refreshed, and accords with all of the other districts operating within Worcestershire Regulatory Services.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Statutory Consultees, relevant specialist groups and Borough Council Officers have been consulted over the preparation of this report.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No

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Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards are affected by the contents of this report.

**22. APPENDICES**

Appendix 1 - Statement of Licensing Policy.  
Appendix 2 - Consultation responses.

**23. BACKGROUND PAPERS**

The Licensing Act 2003.  
Guidance issued under Section 182 of the Act (May 2010).  
Statement of Licensing Policy.  
List of Consultees.  
Correspondence received.

**AUTHOR OF REPORT**

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