

Subject: Statement of Licensing Policy 2008 to 2011 **Status:** For Publication

Report to: Cabinet
Full Council **Date:** 23rd January 2008
27th February 2008

Report of: Executive Director of Regulatory Services

Portfolio Holder: Well Managed Council

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To inform members regarding the provisions of the Licensing Act 2003 in respect of the requirements on Licensing Authorities to review the Licensing Policy every three years.
- 1.2 To request that Cabinet forward the document for consideration by full Council.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
 - Delivering Quality Services to Customers (Customers, Improvement)
 - Promoting Rossendale as a cracking place to live and visit (Economy)
 - Improving health and well being across the Borough (Health, Housing)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

- 4.1 The current Statement of Licensing Policy was made under the provisions of Section 5 of the Licensing Act, 2005, which requires the Council, acting as a licensing authority, to produce a policy statement which sets out the factors that the Council will take into account when considering applications for licences under the Act and the policies that it will apply generally.
- 4.2 The Act requires that the Council reviews the policy at least every three years and the current policy expires in January 2008.
- 4.3 Since the Act became 'live' in November 2005 guidance issued under Section 182 was re-issued in June 2007. The guidance notes that a licensing authority may depart from its own policy "if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." In those cases, however, it should be able to give full reasons for departing from the published statement.
- 4.4 Since the inception of the Act, there have been a small number of determination hearings and a small number of applications to review premises licences. All have been dealt with without issue.
- 4.5 The Licensing Act and its guidelines stress the need to have a 'light touch' in respect of licensing issues
- 4.6 Complaints about licensed premises have been dealt with in the first instant by visits to the premises by the Senior Enforcement Officer and liaison with the premises licence holder or the Designated Premises Supervisor. On almost every occasion this has had the necessary effect - landlords have been sensible and compliant and no further problems have been reported.
- 4.7 On a few occasions, meetings have been arranged between Area Managers, landlords and the Police Licensing Unit to outline and document the problems prior to seeking a review of the premises licence. Without exception, this has had the necessary effect and steps have been taken by licence holders, ranging from the removal of designated premises supervisors to the voluntary closure of beer gardens.
- 4.8 The new Policy document for the period 7th January 2008 to 6th January 2011 has been amended insofar as some of the previous content was, necessarily, written the future tense.
- 4.9 In most other respects, it remains the same. There have been no relevant issues which have emerged during the period of the current policy.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no material financial implications arising from this report.

6. MONITORING OFFICER

6.1 No specific legal comment at this stage

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 There are no specific Human Resource implications.

8. CONCLUSION

8.1 The Licensing Act also provides that during each three year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

8.2 There is, therefore, the ability to bring the Statement of Policy back before the Council at any time should it be appropriate to do so.

9. RECOMMENDATION(S)

9.1 The Policy is referred to the full Council for consideration and adoption.

10. CONSULTATION CARRIED OUT

10.1 Lancashire Constabulary, Fire Service, Trading Standards, Environmental Health, Social Services, Health and Safety, Trade representatives, licensing solicitors, adjacent licensing authorities.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

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Background Papers	
Document	Place of Inspection
Statement of Licensing Policy (Draft Document) 2008 to 2011	Appendix 1
Schedule of changes from Policy Document 2005 – 2008.	Appendix 2