

TELFORD & WREKIN COUNCIL

**LICENSING COMMITTEE – 13TH OCTOBER, 2010
COUNCIL – 25TH NOVEMBER, 2010**

**REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT
2003.**

**REPORT OF THE SERVICE DELIVERY MANAGER – PUBLIC
PROTECTION**

1.0 Purpose

- 1.1 Following consultation, to present for approval a revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003.

2.0 Recommendation

- 2.1 That Council is recommended to approve the revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003.**

3.0 Summary

- 3.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every three years detailing how it will exercise its licensing functions under the 2003 Act.
- 3.2 The first Statement of Licensing Policy issued by this Licensing Authority came into effect on 7th January 2005. The first statutory review resulted in the approval of the second Statement of Licensing Policy which came into effect from 7th January 2008 after approval of full Council on 29th November 2007. The second statutory review was subject to an interim review, and two consultations, at the instigation of the Regulation and Resilience manager in September 2008. This has resulted in the current Statement of Licensing Policy that came into force on 1st December 2009. This current version was amended prior to the commencement of the 3rd Statutory Review consultation which began on 30th June 2010, the draft version of which is the subject of this Report, and will need to be approved and republished to take effect from 7th January 2011.

4.0 Previous Minutes

- 4.1 Full Council 29th November 2007 (Minute 49). .

5.0 Information

5.1 Background

5.1.1 The Licensing Act 2003 transferred responsibility for issuing permissions in respect of licensed premises from the Courts to Local Authorities in the guise of Licensing Authorities. At the time of drafting this Report and since the First Appointed Day on 7th February 2005, the Licensing Authority for the Borough of Telford & Wrekin has issued 615 premises licences and 1164 personal licences.

5.2 A particular feature of the legislation is that Licensing Authorities are required under s.5 of the 2003 Act to review, consult, determine and publish their Statement of Licensing Policy every three years. The first Statement of Licensing Policy issued by this Licensing Authority was approved by Full Council on 24th November 2004 and took effect on 7th January 2005. This was then subject to consultation in June 2007 for the second statutory review, that was then approved on 29th November 2007 and took effect on 7th January 2008. This version was the subject of an interim review that was approved by Full Council on 26th November 2009 and took effect on 1st December 2009. A copy of this current Statement of Licensing Policy (**Appendix A**) is available electronically on the Members' Information Point and a printed copy is available in the Members' Room for reference.

5.2.1 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Department for Media, Culture and Sport (DCMS) has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document.

5.2.2 There has been one consultation conducted for this policy revision. This commenced on Wednesday 30th June 2010 and ran for 12 weeks until Wednesday 22nd September 2010. Conscientious consideration was given to all relevant responses (detailed at **Appendix B – available as Appendix A above**), as far as was possible within the remit of the Licensing Act 2003.

5.2.3 The main changes to the policy were a restructure and change of layout of the policy. Very few alterations have been made, however, due to changes in the law, sections have been added on the following:

- Home Office Mandatory Conditions
- Minor variations
- Removal of requirement for a designated premises supervisor (DPS) (for village halls and community premises)

A section for clarification on the licensing of garages and service stations has been added.

It is anticipated that this will reduce the administrative burden on the authority of advising over the telephone on such queries, and allow officers to devote more time to work that will add to more customer value focussed activities. The policy has been revised to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.

5.2.4 All amendments are highlighted in blue on the revised policy document at **Appendix C (available as for Appendix A above)**.

5.2.5 Section 5 Licensing Act 2003 requires the Licensing Authority to consult with the Police and Fire Authority for the district together with persons that the Licensing Authority considers to be representative of holders of existing licences, registered clubs and those who represent businesses and residents in its area. In addition to the statutory consultees, the Licensing Authority has also written to all premises licence holders in the area inviting representations. The revised Statement of Licensing Policy has also been made available at Council Offices and local libraries and a copy has also been posted on the Council's website similarly inviting representations. A full list of those consulted as part of the review of the Statement of Licensing Policy is listed in the appendices of the revised policy document, and the letter to consultees and response form is attached to this report at **Appendix D – available as Appendix A above**.

5.2.6 The consultation resulted in 8 responses from a mix of premises licence holders, responsible authorities, town and parish councils and individual residents of Telford & Wrekin. The comments were given full consideration, and whilst the issues raised were not directly relevant to the Statement of Licensing Policy in this instance, all respondents have been written to with full explanation.

5.2 Equality & Diversity

5.2.1 As described in the revised Statement of Licensing Policy and as part of the consultation process, a wide range of organisations, bodies and individuals concerned with liquor licensing and regulated entertainment were approached or had the opportunity to make their views known in relation to the revised Statement.

5.2.1 Equalities Impact Assessments have been carried out both pre and post consultation. Monitoring forms have been completed and collated so that we are aware of the customer equality base profile and can prove that no one group is disproportionately affected by the policy

5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of children from harm in determining any application.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this Report.

5.4 Legal Comment

5.4.1 Section 5 (1) of the Licensing Act 2003 requires a licensing authority for each 3 year period to determine its statement of licensing policy with respect to the exercise of its licensing functions and to publish a statement of that policy before the beginning of that period.

5.5 Links with Corporate Priorities

5.5.1 The operation of the Licensing Act 2003 is likely to be relevant to the Corporate Priorities of Community protection and cohesion, in respect of both creating a safer community and creating a sense of belonging and feeling safe in the community.

5.6 Financial Comment

5.6.1 There are no financial implications arising in relation to this report.

5.7 Risks and Opportunities

5.7.1 In proposing the decision to be made concerning the review of the Statement of Licensing Policy under the Licensing Act 2003, the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision is a failure to publish the Statement of Licensing Policy and in a form that is too prescriptive or significantly deviates from Guidance issued under s.182 Licensing Act 2003 could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6.0 Ward Implications

6.1 Borough Wide Implications

7.0 Background Papers

7.1 Licensing Act 2003

7.2 DCMS. Guidance issued under s.182 Licensing Act 2003.

Report prepared by: The Licensing Service – Suzanne Fisher Public Protection: Team Leader Darby House. Tel: 01952 383261 or email licensing@telford.gov.uk

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Appendix A	Copy of the Statement of Licensing Policy that went to Full Council on 29 th November 2007 and took effect on 7 th January 2008 Appendix A – current Statement of Licensing Policy
Appendix B	Consideration of responses table relating to the consultation. Appendix B – Consultation – all relevant responses received
Appendix C	Revised version of the Statement of Licensing Policy with amendments marked in blue. Appendix C – Amendments (highlighted in blue) to the policy document
Appendix D	List of consultees and copies of letter/Proforma and monitoring form. Appendix D – Consultation – letter to consultees and response form (part A) Appendix D – Consultation – letter to consultees and response form (part B)

A printed copy of the above is available in the Members' Room or electronically (control and left click)