
REVIEW OF STATEMENT OF LICENSING POLICY

1 SUMMARY

- 1.1 This report details proposed amendments to the draft Statement of Licensing Policy that was approved for consultation by the Licensing Committee on 25 June 2007.
- 1.2 It proposes changes to the policy with suggested wording, where appropriate, and seeks Members' approval for placing before Council for adoption.

2 INTRODUCTION

- 2.1 In accordance with Section 5 (1) of the Licensing Act 2003 the Council's current policy for the period ending 6 January 2008 was reviewed, revised and approved for consultation between 1 July and 30 September 2007.
- 2.2 At the time of publication, the final draft of revised guidance, issued under section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport, was awaiting approval by the Government. This was finally approved on 28 June 2007.
- 2.3 It was anticipated that changes would be required if the statutory guidance was modified.

3 BACKGROUND

- 3.1 The consultative process was carried out by sending copies of the draft policy to the Responsible Authorities under the Act; by placing copies of the policy at the Council's offices and in local libraries; by advertising the process on the Council's website and by notifying other stakeholders of the process.
- 3.2 A copy of the policy consulted upon is attached at Appendix A.

4 RESPONSES

- 4.1 One formal response, from the British Beer & Pub Association (BBPA), was received, a copy of which is attached at Appendix B.

5 PROPOSED CHANGES TO THE COUNCIL'S LICENSING POLICY

- 5.1 A schedule of proposed amendments to the draft policy, together with officers' recommendations, where appropriate, is attached at Appendix C.
- 5.2 The amendments take into account a summary of the issues raised from the consultation, changes to the statutory Guidance and other measures that have been recently implemented under the Violent Crime Reduction Act 2006. This latter issue was reported to Committee on 25 June 2007.

- 5.3 The paragraphs within the response received from BBPA that contain specific proposals for changes to the policy have been indented and numbered and are cross-referenced under items 1 – 16 in Appendix C.
- 5.4 It is suggested that few of the comments made in the response by BBPA affect the policy, as published. The matters raised deal with issues that are primarily guidance and advice on best practice and are not prescriptive.
- 5.5 It is suggested that comments proposing that specific paragraphs be re-grouped into a section on ‘recommended management practice’ are more a matter of presentation and, unless Members consider otherwise, necessitate no alteration.
- 5.6 The amendments arising from changes to the Guidance and other measures are for new sections concerning Responsible Authorities and matters arising from the Violent Crime Reduction Act 2006, as they have a direct impact upon the Council’s functions under the Licensing Act 2003 and changes to the section concerning Interested Parties.
- 5.7 It is suggested that none of the proposed changes mentioned in paragraph 5.6 above are so significant that they should have been consulted upon, or that they would have affected the outcome of the consultation if they had been included in the process.
- 5.8 The suggested amendments to the policy arising from the above are listed under items 17 – 19 in Appendix C.
- 5.9 In anticipation of the Committee’s approval of the amendments proposed, a revised preface is attached for consideration at Appendix D.

6 RISK IMPLICATIONS

- 6.1 There is a statutory obligation for the statement of licensing policy to be reviewed and published for each 3-year period. Failure to do so could result in the policy being challenged.
- 6.2 If successfully challenged on the content of the policy, the Council’s reputation would be harmed.
- 6.3 The Licensing Authority is bound by the provisions of the Act, the statutory guidance issued by the Secretary of State and its own statement of licensing policy in the administration of the licensing regime and in determining licensing issues. The integrity of the policy therefore has the potential to directly impact upon the Authority’s determination of applications under the Act.

7 LEGAL IMPLICATIONS

- 7.1 There may be a potential for decisions made in determining licensing applications to become the subject of judicial review or appeal if the statement of licensing policy is not credible and is subject to legal challenge.

8 RECOMMENDATION

8.1 It is proposed that the Committee **RECOMMENDS**

- (1) That, subject to comments from Members, the proposed amendment to the draft policy, identified as officer recommendations in Appendix C, be approved.
- (2) That the Statement of Licensing Policy for the period 7 January 2008 – 6 January 2011 be approved.

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Background Papers: -

None

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