

Licensing Committee Report

Item
No. 4

3rd February 2003

Report of: Head of Regulation

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1. Local Licensing Policy Statement

1. Decision Required

- 1.1 To consider and approve the process for establishing a local licensing policy statement, this being an essential element to the working of the new licensing regime governing alcohol and entertainments.

2. Supporting Information

- 2.1 The Licensing Act 2003 will radically reform the country's licensing laws and will significantly enlarge the responsibilities of local authorities. In the future, the local authority will grant premises licences to authorise the sale or supply of alcohol; the provision of 'regulated entertainment'; and provision of late night refreshment (sale of hot food or drink between 11 p.m. and 5 a.m.). Personal licences will be granted to individuals to supply, or to authorise the supply of alcohol. The new system aims to provide a balanced package of freedoms and safeguards. It is intended to have an important role in the prevention of crime and disorder and public nuisance perpetrated by a minority. At the same time it will give the responsible majority more freedom and choice about how they spend their leisure time.
- 2.2 The Act received Royal Assent on 10th July 2003 but there will be a transition period for the roll out and full introduction of the new regime. At the time of writing this report the final timetable for the transition period is still awaiting announcement, however the following is expected:

February 2004

- Secretary of State's Guidance to be presented to Parliament and approved by both Houses.
- Date of first appointed day announced.

Approximately 6 months after Parliament approves the Guidance

- The first appointed day
- Licensing authorities begin processing applications for conversions to premises licences, club premises certificates,

simultaneous variations, and new licences/certificates and fast track applications for personal licences being made thereafter.

Approximately 9 months after the first appointed day

- The second appointed day.
 - End of old licensing regimes.
 - New premises licences and club premises certificates given effect.
- 2.3 Councils are required to prepare and publish a statement of its licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the three-year period, the policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate.
- 2.4 Thurrock's local statement of licensing policy will underpin the authority's administration of the licensing regime. It should accord with the general principles recommended in the Secretary of State's Guidance and promote the licensing objectives:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.5 The draft licensing policy statement is attached to this report as Appendix 1. A steering group representing all Essex authorities has created the 'core' text of this document. Officers from the Regulation Department have taken an active part in producing this common framework onto which has been added factors that reflect the Borough's individual characteristics and aspirations. It must however be stressed that the policy is far from being the final version and it is anticipated that significant alterations will have to be made as a result of the wide consultation that is demanded.
- 2.6 The legislation requires the licensing authority to consult certain persons and bodies before determining its policy and appropriate weight must be given to their views. Appendix 2 provides a summary of the proposed consultation arrangements.
- 2.7 Whilst the Government has stated that local authorities will have a period of six months to develop and approve their local licensing policies, the reality of the local elections in June markedly reduces the time available to complete this task. It is advantageous that the policy be formed prior to the Borough elections as the first appointed day is likely to fall almost immediately after the new Licensing Committee is appointed. This marks the point when the Committee's work under the new system begins in earnest. It is expected that this will be a time of high activity as a result of the number of contested variation applications received during the transition period.

- 2.8 Due to repeated delays in the Government's programme, it has been necessary to present the draft Licensing Policy before the Secretary of State's guidance has been passed in Parliament. Appendix 1 has therefore been prepared with reference to the last available draft of the Guidance. Consequential amendments will have to be made to the draft policy should there be any significant changes to the final version of the Guidance. Amendments may also have to be made to the consultation scheme if further changes to the Government's programme come about.
- 2.9 The ultimate approval of the Licensing Policy is not a function of the Licensing Committee, nor can it be a decision of the Executive. In taking this forward, the Portfolio Holder for Neighbourhoods and Officers would nevertheless greatly appreciate the views of all Members during the consultation stage, especially those serving on the Licensing Committee. It is sensible to use the Committee as a 'sounding board' in this way as, after all, it will be this Committee who will in the future be referring to the policy when determining applications.
- 2.10 Members will have the opportunity of receiving a presentation from Ian Webster of LGS UK Limited, who is Specialist Licensing Consultant. He will:
- Explain the significance of the Licensing Policy statement within the context of the new system.
 - Explain how we have arrived at the draft policy (i.e. the groundwork carried out by the Essex Licensing Officers Steering Group)
 - Set out the process for drafting and adopting the policy, including the need to consult various parties.

3. **Legal Implications**

- 3.1 Local authorities have to prepare their Licensing Policy statements as required under section 5 of the Licensing Act 2003.
- 3.2 It is important for the process of creating the policy to be undertaken correctly as the Council could later be challenged if it is alleged to be flawed in any respect.

4.0 **Financial Implications**

- 4.1 There are no financial implications to this report. The cost of introducing the policy will be absorbed within the Regulation Department's budget.

Background Documents

Licensing Act 2003

Secretary of State's Draft Guidance issued under s.182 Licensing Act 2003
Essex Licensing Officers Steering Group Statement of Licensing Policy (5th
Draft)