

Decision Maker: **General Purposes and Licensing Committee**

Date: **14 March 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **GUIDANCE ON MAKING A LICENCE APPLICATION -
VOLUNTARY CONDITIONS IN THE OPERATING SCHEDULE.**

Contact Officer: Paul Lehane, Head of Food, Safety & Licensing
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Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

To present draft guidance to licence applicants on voluntary conditions for Members comment and approval

2. **RECOMMENDATION(S)**

Members are asked to

1. **Comment on the suggested guidance to applicants on voluntary conditions and,**
2. **Agree to the guidance being published.**

Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy
 2. BBB Priority: Safer Bromley. Vibrant thriving town centres, Excellent Council
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Financial

1. Cost of proposal: Estimated cost Approx £100 - artwork to produce a final publication
 2. Ongoing costs: Recurring cost. Approx £100 per year to review the document
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £3.7m
 5. Source of funding: Existing Revenue Budget
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Staff

1. Number of staff (current and additional): 59
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Applicants for new premises licences or club premises certificates
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 After sitting on a number of recent licence 'Reviews' Councillor Nicolas Bennett noted the very variable licence conditions attached to Premises licences.
- 3.2 When a licence application is made the applicant is supposed to complete an 'Operating Schedule' (Part P of the form) in which they state how they will operate to promote the 4 licensing objectives. If there are no representations then these statements become conditions, however these are often written in very general terms and the council cannot make significant alternations to them and this leads to very variable conditions which can often be difficult to enforce.
- 3.3 In addition the Council can only impose a licence condition when an application is being decided by a Licensing Subcommittee following relevant representations based on one or more of the 4 licensing objectives. Even then the condition must be necessary and proportionate. Over time slightly different conditions may have been used by Sub Committees.
- 3.4 The Council is not able to strictly apply a set of standard conditions to applications but it would be good practice to publish examples of well written conditions, with the expectation that new applications will adopt those which are appropriate to their business.
- 3.5 It is proposed to publish a guidance document on the Councils Website and send it out with requests for application packs.
- 3.6 The version attached at appendix 1 is a first draft and would be reviewed and updated as necessary where new or improved conditions are developed.

4. POLICY IMPLICATIONS

- 4.1 The Council has a Statement of Licensing Policy, which is reviewed at least every three years. The provision of additional guidance as suggested in the report is in addition to and supports the Councils licensing policy.

5. LEGAL IMPLICATIONS

- 5.1 The proposed guidance has no statutory basis and it must be open to applicants to make an application with conditions they believe are appropriate. It is for the Responsible Authorities and other consultees to consider the proposed adequacy of the conditions and to make representations if they are not satisfied that the proposed conditions address their concerns.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS. PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Secretary of States Guidance issued under Section 182 Licensing Act 2003