

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

**Date:** 28 July 2010

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

**Title:** Draft Statement of Licensing Policy 2011-2014

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

**Ward:** All

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1. Reason for report

To approve the revised draft statement of Licensing Policy for the period 2011–2014 for Public Consultation.

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2. **RECOMMENDATION(S)**

**Members are asked to approve the draft statement of Licensing Policy 2011–2014 for public consultation.**

## Corporate Policy

1. Policy Status: Existing policy. This is a revision to the current Statement of Licensing Policy 2008-2010
  2. BBB Priority: Safer Bromley. Children and Young People, Excellent Council, Quality Environment & Vibrant thriving town centres
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## Financial

1. Cost of proposal: Estimated cost The process of public consultation will cost approximately £ xxx
  2. Ongoing costs: Non-recurring cost.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £3.3m
  5. Source of funding: Existing revenue budget
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## Staff

1. Number of staff (current and additional): 58 (Licensing Service 8)
  2. If from existing staff resources, number of staff hours: 16 hrs
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## Legal

1. Legal Requirement: Statutory requirement. Licensing Act 2003 requires the Council to publish a statement of its Licensing Policy every three years
  2. Call-in: Call-in is not applicable.
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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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 The Licensing Act 2003 requires the Council as the Licensing Authority to publish its Statement of Licensing Policy and review it every three years. The Council's Statement of Licensing Policy was last reviewed in 2007 and was effective from January 2008 to January 2011.
- 3.2 We are now required to review the current policy and undertake public consultation with a view to adopting a new Statement of Licensing Policy with effect from 7 January 2011
- 3.3 The current policy has been reviewed with the Chairman and Vice-Chairman of General Purposes and Licensing Committee and a draft policy has been prepared (a copy is attached as appendix 1). Additions are shown highlighted in grey and suggested deletions are shown with a ~~strikethrough~~
- 3.4 The main changes being proposed are:
1. Strengthening of the Council's Commitment to the principle of 'deemed refusal' in areas subject to special policies of cumulative impact. The onus being placed on the applicant to prove to the Council that the grant of an application would have no detrimental effect on the promotion of the licensing objectives. Page 8
  2. Endorsement of a Challenge 25 policy. Page 10
  3. Added a section on underage sales. Page 11
  4. Added a section on Drugs. Page 12
  5. Updated detail of Personal Licence details (qualifications and exemption for community premises). Page 14
  6. Added details of the Minor Variations procedure. Page 17
  7. Suggested an approach to the problems associated with non-payment of the annual fee. Page 17
  8. Clarified the information regarding Petitions. Page 19
  9. Proposed deletion of the section on the Licensing Committee receiving periodic reports on tourism, culture and employment. Page 20 & 21
  10. Proposed deletion of the sections relating to establishing relationships with organisations that represent the provision of regulated entertainment at a local level. Page 20 & 21
  11. Proposed deletion of the sections relating to transport and employment. Page 20 & 21
  12. Add details of the new mandatory conditions. Page 22
  13. The Role of Ward Councillors has been expanded to include the right to apply for a 'Review'. Page 27
- 3.5 Public consultation will be undertaken and a further report will be made to this Committee for 20 October 2010 and referred to Full Council on 25 October 2010.

### **4. POLICY IMPLICATIONS**

- 4.1 The Licensing Authority (Council) has to promote the licensing objectives and this policy sets out how it will achieve that.

## 5. FINANCIAL IMPLICATIONS

5.1 The cost of undertaking the public consultation and production and distribution of the final policy document is estimated to be in the region of £1200 and will be contained within existing budgets.

## 6. LEGAL IMPLICATIONS

6.1 The Council is required to adopt a Statement of its Licensing Policy and to formally review it every three years (Licensing Act 2003 section 5).

<b>Non-Applicable Sections:</b>	<b>PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Licensing Act 2003, Statement of Licensing Policy 2008-2011