

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

**Date:**                      **20 October 2010**

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

**Title:**                      **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

- 1.1    Every three years the Council must review its statement of Licensing Policy. The current policy commenced on 7 January 2008 runs until 6 January 2011, when a new policy must be adopted.
- 1.2    Members and Officers have reviewed the existing policy and made amendments. These have been the subject of a period of public consultation.
- 1.3    A revised statement of licensing policy is attached for Members consideration

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2.    **RECOMMENDATION(S)**

Members are asked to :-

- 2.1    Consider the attached statement of licensing policy, make any further necessary alterations in light of the comments following public consultation and
- 2.2    Recommend the policy be adopted by Council on 25 October 2010

### Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy 2008 - 2011
  2. BBB Priority: Safer Bromley. Vibrant Thriving Town Centres, Quality Environment, Children and Young People
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### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £4.5m
  5. Source of funding: Existing Revenue Budget
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### Staff

1. Number of staff (current and additional): 66 (Licensing Service 8)
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory requirement. Licensing Act 2003
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approx 800 licenced businsses and residents living in the vicinity
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Council is required by the Licensing Act 2003 (Section 5) to prepare and publish its policy with respect to the exercise of its licensing functions for a three year period.
- 3.2 The Councils current policy was adopted by Council on 29 November 2007 and became effective on 7<sup>th</sup> January 2008. The policy is valid until 6<sup>th</sup> January 2011. A new policy must be adopted and published before that date.
- 3.3 Councillors Owen and Wells along with officers undertook an initial review and drafted a revised statement of policy. This was considered by Committee on 28 July 2010 and approved for public consultation which was undertaken between 3 August and 30 September 2010.
- 3.4 Consultation was undertaken in accordance with the Licensing Act 2003 (section 5(3)) and included
  - a. Police
  - b. Fire Authority
  - c. All holders of premises and club premises licences including those holding a personal licence issued by the Council
  - d. Residents associations
  - e. Faith Groups
  - f. The draft policy was also published on the Councils web site.

In total over 900 copies of the draft policy were distributed.

- 3.5 12 responses were made following consultation. These are summarised in Appendix A. and have been incorporated where appropriate into the final version of the draft policy statement attached as appendix C
- 3.6 Members attention is particularly drawn to the email from Greene King Pub Partners (Appendix B) They have suggested an alternative wording for the 'Challenge 25' policy which is being proposed in the draft policy.
- 3.7 They suggest ' The Licensing Authority is also fully supportive of and actively encourages recognised proof of age schemes such as Challenge 21 and Challenge 25 in licensed premises as required, as a means of controlling underage sales'
- 3.8 The Head of Trading Standards has commented that he continues to recommend the Challenge 25 policy for all premises. From Oct 2010 all businesses selling alcohol have to have an 'age verification scheme'. Through the Statement of Licensing Policy we are supporting 'Challenge 25' as best practice but this does not prevent businesses having other schemes. The imposition of a 'Challenge 25' policy by way of licence conditions is only likely when a 'Review' has been brought following underage sales or where there are relevant representations to an application for a licence.
- 3.8 The Greater London Authority has also commented and suggested the following paragraph be inserted. Member's views are sought.
- 3.9 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and

after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.

**4. POLICY IMPLICATIONS**

4.1 This report asks members to consider responses from the public consultation, approve the statement of licensing policy and recommend its adoption by Council on 25 October 2010.

**5. LEGAL IMPLICATIONS**

5.1 The Council must adopt a statement of licensing policy every three years. The current one expires on 6 January 2011. A new statement must be adopted and published the commencement of the next three year period.

<p><b>Non-Applicable Sections:</b></p>	<p><b>6. FINANCIAL IMPLICATIONS, PERSONNEL IMPLICATIONS</b></p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Draft Policy approved for Consultation by GP &amp; L Committee 28 July 2010</p>