

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

**Date:** 11 July 2012

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

**Title:** Revised Statement of Licensing Policy following changes introduced by the Police Reform and Social Responsibility Act 2011

**Contact Officer:** Paul Lehane, Head of Food, Safety and Licensing  
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

**Chief Officer:** Nigel Davies – Director of Environmental Services

**Ward:** All Wards

---

1. Reason for report

The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011, and the Secretary of State's Guidance has been updated to reflect this, consequently the Councils Statement of Licensing Policy also needs to be revised.

---

2. **RECOMMENDATION(S)**

**Members are asked to agree the proposed changes and**

**that statutory consultation be undertaken on the basis of the attached draft Statement of Licensing policy as required by Section .**

**Following a period of consultation a further report will be made to this Committee to consider any representations before referring the Statement of Licensing Policy to full Council for approval.**

## Corporate Policy

1. Policy Status: Existing Policy: The Council adopted a Statement of Licensing Policy for the period 2011 – 2014 as required by Section 5 of the Licensing Act 2003. That Policy was revised in March 2012, however a further revision is now necessary following the enactment of sections in Part 1 of the Police Reform and Social Responsibility Act 2011.
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
- 

## Financial

1. Cost of proposal: Estimated Cost There will be a cost associated with the consultation process estimated at about £500 for postage and materials. The production of the final policy document is estimated to be about £600
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £6m
  5. Source of funding: Existing Total Revenue Budget 2012/13 (controllable & non-controllable budgets)
- 

## Staff

1. Number of staff (current and additional): 74fte
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Statutory Requirement The Council as the Licensing Authority is required to adopt and publish a Statement of its Licensing Policy (Section 5 Licensing Act 2003). The Policy is formally reviewed at periods set out in the Act (now every 5 years) but must also keep the policy under review and amend it as necessary. This review is prompted by changes to the provisions of the Licensing Act 2003 and the accompanying Statutory Guidance issued by the Secretary of State.
  2. Call-in: Not Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

3.1 The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011 and the accompanying statutory Guidance issued by the Secretary of State has been revised. Details of these changes are found in report of the Director of Environmental Services ref ES12076 for the meeting of the General Purposes and Licensing Committee for 11 July 2012. These changes will require a revision of our Statement of Licensing Policy to ensure it is up to date.

3.2 A copy of the revised draft Statement of Licensing Policy is attached as appendix 1, the main changes being

- a) The changes agreed by this committee in March 2012 have been incorporated
- b) Reference to the policy being revised every three years has been changed to five years
- c) References to the Secretary of States Guidance have been updated
- d) The Primary Care Trust – Director of Public Health has been added as a Responsible Authority
- e) Page 9 Para 2 (trading hours) has been revised to take in to account the revised statutory guidance
- f) Underage sales on page 11 has been revised to refer to Members own Review Guidelines
- g) Page 13 para 4 has been revised to refer to Statutory Guidance and Members own Review Guidelines
- h) Page 14 Public Safety – reference made to occupancy limits and the Council’s Health & Safety Team
- i) Page 16 –Criminal records. Altered to reflect the revised statutory guidance. Allow Members more discretion to grant a Personal licence where relevant convictions exist
- j) Page 18. Revised to cover the Suspension of a Licence for non payment of the annual fee
- k) Page 19 Temporary Event Notices (TENs). Updated to refer to the new times and numbers of TENs that can be applied for
- l) Page 25. Culture and Equality. Completely re-written
- m) Page 26 Licensing Conditions. Revised to refer to the Councils guidance on voluntary conditions
- n) Page 29 Reviews. Revised to refer to Members Guidance on Reviews
- o) Page 32 Table of delegated functions updated to include the Director of Environmental Services acting on behalf of the Licensing Authority as a ‘Responsible Authority.
- p) Page 34. Paragraph referring to ‘Interested Parties’ removed.

- q) Appendix C Responsible Authority list updated to include Primary Care Trust – Director of Public Health.
- r) Appendix F Contact details updated.

**4. POLICY IMPLICATIONS**

The Council as the Licensing Authority is required to adopt and publish a Statement of its Licensing Policy (Section 5 Licensing Act 2003). The Policy is formally reviewed at periods set out in the Act (now every 5 years) but must also keep the policy under review and amend it as necessary. This review is prompted by changes to the provisions of the Licensing Act 2003 and the accompanying Statutory Guidance issued by the Secretary of State.

**5. LEGAL IMPLICATIONS**

The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011 and the accompanying statutory Guidance issued by the Secretary of State has been revised. These changes have been incorporated in to a revised Statement of Licensing Policy

<b>Non-Applicable Sections:</b>	<b>FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Licensing Act 2003 , Police Reform and Social Responsibility Act 2011 and Secretary of States guidance issued under Section 182 Licensing Act 2003 April 2012