

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 14th July 2015

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

Title: LICENSING ACT 2003 - DRAFT LICENSING POLICY 2016 TO 2021

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To approve the draft Licensing Policy under the Licensing Act 2003 for public consultation as part of the statutory 5 yearly review.

2. **RECOMMENDATION(S)**

Members are asked to

- a. **Consider and comment on the draft statement of Licensing Policy**
- b. **Agree a version for public consultation.**

Corporate Policy

1. Policy Status: Existing Policy: Statement of Licensing Policy 2011-2016
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio budget
 4. Total current budget for this head: £2.1m
 5. Source of funding: Existing Revenue Budget 2015/16
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Staff

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

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all residents and businesses
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Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council is the Licensing Authority under the Licensing Act 2003 and must review, adopt and publish a statement of its Licensing Policy every five years. The current policy ends in January 2016 and a revised draft policy has been prepared for Members to consider for adoption for the next five year period.
- 3.2 The draft policy must be open for public consultation before being considered for adoption by Council on 19 October 2015. It is proposed that comments following a period of consultation will be brought back to this Committee for further consideration on 17 September 2015.
- 3.3 The draft statement of Licensing Policy (Appendix 1) has been revised to reflect the numerous changes in the licensing regime introduced over the last few years.
- 3.4 The most significant changes are highlighted green in the attached copy.
- a. The order of sections has been altered to present a more logical flow thorough the document
 - b. On page 10 and 11 we have proposed revised sections on 'Applications' and 'Licence Conditions'. The main purpose is to ensure applicants give serious consideration to the nature of their operation and to provide a clear description of it which will be used as a condition of licence. This seeks to avoid businesses applying as one type of operation e.g. restaurant but then morphing into another type of operation which may be less desirable for the promotion of the licensing objectives.
 - c. We have included in full the standard mandatory licence conditions on pages 13-16.
 - d. The amended 'consultation' procedure (page 17) has been incorporated to reflect the revised approach agreed by Committee on 10 February 2015 (minute 51).
 - e. We will now routinely anonymise representations (page18)
 - f. We have expanded the guidance to applicants on pages 19-30 on what we suggest as being relevant considerations when making applications and promoting the licensing objectives.
 - g. On page 32 we are proposing that the Council will not grant a licence unless planning permission is in place. This is now possible under the current guidance issued by the Secretary of State.
 - h. A section has been inserted setting out the wider Public Health aspects of alcohol (pages 32-35). Colleagues in Public Health act as a 'Responsible Authority' and must be consulted as part of an application.
 - i. The sections 'Delegation of Functions, 'The role of Ward Councillors' and 'Appendix A Definitions' have been updated.
- 3.5 Cumulative Impact Areas – Bromley and Beckenham Town Centres.

Bromley and Beckenham town centres are covered by 'Cumulative Impact Policies'. These were declared in 2004 and 2007 respectively. The purpose of the areas is to recognise that the number and type of licenced premises are such that they have an

impact on the late night economy and the duty held by both the Council and individual licence holders to promote the 4 licensing objectives. These are

- Prevention of crime & disorder
- Prevention of public nuisance
- Public safety
- Prevention of harm to children

3.6 In these areas Member’s approach to decision making is different. There is a presumption of refusal unless an applicant can satisfy the subcommittee that the grant of an application would not adversely affect the promotion of the licensing objectives.

3.7 The draft policy proposes that both these areas remain a core part of the Councils policy. Member’s views on this are specifically requested.

4. POLICY IMPLICATIONS

4.1 The Council is required to prepare, consult on and publish a ‘Statement of Licensing Policy under Section 5 Licensing Act 2003 covering a period of 5 years. During this period the policy must be kept under review and revised as necessary. The current policy expires in Jan 2016.

5. LEGAL IMPLICATIONS

5.1 The Council as the Licensing Authority has a duty to promote the 4 Licensing Objectives in its decision making and prepare, consult on and publish a ‘Statement of Licensing Policy’ for a period of 5 years.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing Act 2003. Guidance issued by the Secretary of State under Section 182. Bromley’s statement of licensing policy 2011-2016