

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

**Date:**                      **28 September 2011**

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

**Title:**                      **REVISIONS TO THE STATEMENT OF LICENSING POLICY**

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

**Ward:**                      All

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1.      Reason for report

Members requested a review of the current statement of Licensing Policy at the meeting on 27 July 2011 following a verbal report on Brighton's success with their Cumulative Impact Policy refusing a new premises licence for a Sainsbury's Supermarket.

In addition a number of other changes are suggested based on recent experience and complaint.

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2.      **RECOMMENDATIONS**

**Members are asked to**

1.      **Consider the proposed changes in appendices 1, 2 and 3;**
2.      **Agree to undertake the legal public consultation on the proposed changes; and**
3.      **To receive a further report in due course for consideration and referral to full Council for adoption.**

## Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy 2011 - 2014
  2. BBB Priority: Safer Bromley. Vibrant thriving town centers, Excellent Council
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## Financial

1. Cost of proposal: Estimated cost Postage to consultees ( £500)
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £3.7
  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: Statutory requirement. Licensing 2003
  2. Call-in: Call-in is not applicable.
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Future applicants for new premises licences or club premises certificates or material variations in area covered by Cumulative Impact Policies, and any resident / businesses who wish to make representations on a licence application.
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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 At the meeting on 27 July 2011 Members were informed about Brighton Council who successfully defended an Appeal by Sainsbury's Supermarkets Ltd against the decision to refuse to grant a new Premises Licence for a supermarket in an area covered by a Cumulative Impact Policy.
- 3.2 This was of particular interest to Members as Bromley has two areas covered by such policies and we have experience of a successful appeal against a refusal to vary a licence in Beckenham and we have recently refused 3 applications in areas covered by Cumulative Impact Policies (2 in Beckenham and 1 in Bromley).
- 3.3 Members were interested to see if we could learn from the Brighton experience.
- 3.4 Officers examined Brighton's Statement of Licensing Policy and reviewed our own Policy in light of our recent hearings relating to applications in Cumulative Impact Areas.
- 3.5 We have also received a complaint concerning our Petition policy.
- 3.6 As a result it is proposed that our Statement of Licensing Policy in respect of Cumulative Impact be amended as follows:
1. The section dealing with Cumulative Impact policy be amended to specifically refer to Off Licences and to make it easier to permit the establishment of Restaurants should Members wish to do so.
  2. The section on Making Representations and petitions is altered to make it clearer what is required in a petition and the reason for asking for phone numbers and email address of objectors.
  3. Reference to 'amendments' of licences are changed throughout the Policy to 'material amendment'.
- 3.7 The full wording of the proposed changes is set out in Appendix 1 for Cumulative Impact Policy, Appendix 2 for Making Representations / Petitions and Appendix 3 for Planning and Building Control. Proposed changes are highlighted in grey with bold text.

### 4. POLICY AND LEGAL IMPLICATIONS

The Council as Licensing Authority is required by the Licensing Act 2003 to prepare and adopt a statement of Licensing Policy for a three year period. The current policy was adopted by full Council on 25 October 2010 and became effective from 7 Jan 2011. The Licensing Authority also has to keep the policy under review and where it proposes to make changes to undertake public consultation.

<b>Non-Applicable Sections:</b>	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Bromley's Statement of Licensing Policy 2011-2014. Brighton & Hove City Council Statement of Licensing Policy 2011-2014