

**Sandwell Metropolitan Borough Council**

**Report to the Licensing Committee**

**9<sup>th</sup> November 2007**

**The Licensing Act 2003 – Review of Statement of Licensing Policy**

**1. Summary Statement**

- 1.1 Section 5 of the Licensing Act 2003 (the Act) requires the Council as the Licensing Authority to prepare and publish its own Statement of Licensing Policy as to how it intends to carry out its licensing functions under the Act.
- 1.2 The Council's current Statement of Licensing Policy was approved by the full Council on 2<sup>nd</sup> November 2004
- 1.3 The Act requires the Council in respect of each three year period to determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy before the beginning of the period. The next three year period will begin on 7 January 2008.
- 1.4 Before determining its policy, the Act specifically requires the Licensing Authority to consult the following :
  - a) The chief officer of police;
  - b) The fire and rescue authority for the area Service,
  - c) Representatives of persons holding premises licences, personal licences or club premises certificates
  - d) Representatives of businesses and residents
- 1.5 The Council's current Statement of Licensing Policy was slightly amended to include changes made as a result of the new Statutory Guidance published June 2007. The amended policy was made available for consultation.
- 1.6 A six week consultation process took place between 12<sup>th</sup> September to 24<sup>th</sup> October 2007, whereby all Representatives of persons holding premises licences, personal licences, club premises certificates and representatives of businesses and residents including all Councillors were all written to inviting their comments on the proposed Statement of Licensing Policy. In addition, all of the Responsible Authorities, as outlined in the Act were electronically sent a letter and a copy of the

proposed Licensing Policy Statement and again invited to make any comments by 24<sup>th</sup> October 2007.

A copy of the original Policy showing the proposed changes was also posted on the Council's Web Site and again inviting comments.

In addition a press release was also made.

A full list of Consultees is shown at the end of the proposed Statement of Licensing Policy in Appendix 2.

- 1.7 The Statement of Licensing and Policy as amended was also presented to the Licensing Policy Review Group on 11 October 2007. At that meeting, representations were made on the Policy, which were later made in writing as part of the consultation process.
- 1.8 A small number of consultees have made written representations and these are recorded in Appendix 1. Officers have commented on these representations and indicated if they have been included in the proposed Statement of Licensing Policy.
- 1.9 The proposed Statement of Licensing Policy in Appendix 2 shows the amendments as underlined which have been made as a result of the review and consultation.
- 1.10 A report will be made to the Cabinet for meeting on 14<sup>th</sup> November and a further report to full Council on 27<sup>th</sup> November 2007.

## **2 Recommendation**

- 2.1 The proposed Statement of Licensing Policy as set out in Appendix 2 be recommended to the Council for approval

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### **3. Strategic Resource Implications**

- 3.1 There are no direct strategic resource implications associated with the review, approval, and adoption of the “Statement of Licensing Policy” itself.

### **4. Legal and Statutory Implications**

- 4.1 Under Section 5 of the Licensing Act 2003, the Council as the Licensing Authority must in respect of each three year period determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy before the beginning of the period.
- 4.2 The first statutory three year period began on 7 January 2005. The next three period will begin on 7 January 2008
- 4.3 Before determining its policy for a three year period, the Council must consult
- (a) the chief officer of police
  - (b) the fire authority
  - (c) such persons as the Council considers to be representative of holders of premises licences
  - (d) such persons as the Council considers to be representative of holders of club premises certificates
  - (e) such persons as the Council considers to be representative of holders of personal licences
  - (f) such other persons as the Council considers to be representative of businesses and residents in its area.
- 4.4 During each three year period, the Council must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 4.5 Where revisions are made, the Council must publish a statement of the revisions or the revised Licensing Statement.

### **5 Implications for the Council’s Priorities**

The licensing objectives that must be promoted by the Council as Licensing Authority are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

## **6 Background Details**

- 6.1 On 24<sup>th</sup> November 2005, the Licensing Act 2003 came into effect. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshment, administered by the local Licensing Authority – Sandwell Council.
- 6.2 Section 5 of the Act required each authority to prepare and publish a statement of its licensing policy, setting out how the authority intended to approach its new licensing responsibilities, every three years. Each authority is also required to keep the policy under review during the three year period and make any revisions it considers appropriate.
- 6.3 The initial Sandwell Statement of Licensing Policy was compiled through public consultation, conducted during summer of 2004, with regard to the provisions of the Act itself: Guidance published by the Department of Culture, Media and Sport (DCMS); and with a view to promoting the four licensing objectives established by the Act. The resultant Statement of Licensing Policy was approved by full Council on 2<sup>nd</sup> November 2004.
- 6.4 The current Statement of Licensing Policy has proved to be entirely satisfactory since its adoption and only minor changes have been made to reflect representations from consultees and to update following the publication of the new Statutory Guidance.

### Source Documents

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003

Comments as result of the consultation