

**Licensing Committee**

**25<sup>th</sup> October, 2010**

**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 27<sup>th</sup> November 2007.
- 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<sup>th</sup> January 2011.
- 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 has now been amended to include changes made as a result of new Statutory Guidance published earlier this year, advice from central government in relation to tougher action against under-age sales, and also one or two minor legislative changes since the Policy was last reviewed.
- 1.6 In accordance with the provisions of the Act a consultation process began at the end of August to enable comments to be made on the proposed Policy from a wide variety of sources. Those consulted include representatives of persons holding premises licences, personal licences, club premises certificates and representatives of businesses and residents including all Councillors and MPs. In addition, all of the Responsible Authorities, as outlined in the Act were also invited to make

any comments. A full list of consultees is shown at the end of the Policy Statement in Appendix 2 to this report.

- 1.7 The Statement of Licensing and Policy, as amended, was also discussed at a Licensing Policy Review Group meeting on 17<sup>th</sup> September 2010, and earlier at a separate meeting involving Scrutiny Management Board members.
- 1.8 All comments received as a result of the consultation process, whether verbally or in writing, are recorded in Appendix 2 to this report.
- 1.9 The proposed Statement of Licensing Policy, incorporating the amendments, which have been made as a result of the review and consultation, is contained with Appendix 1.
- 1.10 The Statement of Licensing Policy in Appendix 1 contains a number of suggested amendments following the consultation process as 'track' changes.
- 1.11 The revised document will be considered by Cabinet at its meeting on 10<sup>th</sup> November, 2010 and by Council on 30<sup>th</sup> November, 2010.

## **2 Recommendation**

- 2.1 That the proposed Statement of Licensing Policy, as set out in Appendix 1, be recommended to the Council for approval.

**Paul Wright**  
**Head of Community &**  
**Regulatory Services**

**Neeraj Sharma**  
**Head of Legal Services**

### Contact Officers

Alan Tolley  
Senior Licensing Officer  
0121 569 6744

Stewart Wright  
Group Manager & Solicitor  
0121 569 3267

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

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 previous statutory three year period began on 7 January 2008. The next three period will begin on 7 January 2011.
- 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 Shared Partnership Priorities**

- 5.1 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 Authorities.
- 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 any changes suggested have been made to reflect comments received during the consultation process, as well as one or two necessary adjustments as a result of revised statutory Guidance and some minor legislative changes.

### **Source Documents**

Licensing Act 2003;  
Guidance issued under section 182 of the Licensing Act 2003;  
Comments as result of the consultation.