

## DEPARTMENT OF REGENERATION AND NEIGHBOURHOODS

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

28:09:10

TITLE : REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

## 1. PURPOSE

To inform members of the outcome of the consultation for the triennial review of the Statement of Licensing Policy

## 2. RECOMMENDATIONS

That members note the report and support the review and consultation of the Statement of Licensing Policy

## 3. KEY ISSUES

Each 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 (a licensing statement) before the beginning of that period

A “three year period” means

- The period of three years beginning with such day as the Secretary of State may by order appoint ( 24<sup>th</sup> November 2005), and,
- Each subsequent period of three years

Before determining its policy for a three year period, a licensing authority must consult-

- The chief officer of police for the licensing authority’s area
- The fire authority for that area
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by the authority
- Such persons as the licensing authority consider being representative of holders of club premises certificates issued by the authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued the authority, and
- Such other persons as the licensing authority consider being representative of businesses and residents in its area.

The period of consultation commenced on 1<sup>st</sup> July 2010 and will end on 30<sup>TH</sup> September 2010.

At the time of writing this report no responses have been received.

The Government are currently undertaking a review of the Licensing Act, a recent consultation named "rebalancing the licensing act" ended on 8<sup>th</sup> September, the aims of the government is to give more powers to the communities when on licensing decisions. If there is a legislative change the policy will be amended to reflect this.

During each three year period, a licensing authority must keep its policy under review and make revisions to it at such times it considers appropriate. Blackburn with Darwen's policy was reviewed in 2007, a draft policy was placed before Members on 22<sup>nd</sup> July 2010, the amendments are highlighted in bold type.

Where revisions are made, the licensing authority must publish a statement of the revisions or a revised licensing statement. With the imminent legislative changes the policy will only be published on the web.

#### 4. RATIONALE

The Policy document allowed for its amendment on a three yearly basis, although it confirmed that it was a living document and should be continuously reviewed.

#### 5. POLICY IMPLICATIONS

The revisions in the policy will have to be approved by the executive board.

#### 6. FINANCIAL IMPLICATIONS

The cost of the review to the statement of licensing policy will be borne by the licensing service.

#### 7. LEGAL IMPLICATIONS

It is legal requirements to review the statement of licensing policy triennially. There are no legal implications of amending the Policy. Provided the correct procedures are followed for the adoption of any amendments, decisions made under the existing Policy will not fetter the discretion of the Authority to make decisions under the new Policy.

#### 8. RESOURCE IMPLICATIONS

none

#### 9. CONSULTATIONS

Consultations have been carried out, via a mail shot, with all the authorities as laid down in statute, and with trade organisations. Awareness of the policy review was raised for residents of the borough with promotion on the Councils website.

**10 . CONTACT OFFICER**

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