

# **BROMSGROVE DISTRICT COUNCIL**

## **EXECUTIVE CABINET**

**7<sup>TH</sup> NOVEMBER 2007**

### **STATEMENT OF LICENSING POLICY**

Responsible Portfolio Holder	Councillor P. Whittaker
Responsible Head of Service	Head of Planning and Environment Services

#### **1. SUMMARY**

- 1.1 To seek approval to publish the Council's revised Statement of Licensing Policy in accordance with the Licensing Act 2003.

#### **2. RECOMMENDATION**

- 2.1 That Members recommend to Council that they approve the attached revised Statement of Licensing Policy.

#### **3. BACKGROUND**

- 3.2 Section 5 of the Act requires the Council to publish a statement of policy every three years, which will be used to determine all applications made under the terms of the Act. There is provision in the Act to keep the Policy under review during each three year period and that the Council may make such revisions to it as it considers appropriate. Such a Policy must be published no later than 7<sup>th</sup> January 2008.
- 3.3 In carrying out its review, the Council has consulted with the following bodies:
- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Worcestershire Safeguarding Children Board; and Local Weights & Measures.
  - District Councillors;
  - Parish Councils;
  - Such persons to be considered a representative of holders of a premises licence, club premises certificate, personal licences, businesses and residents within the district;
  - Details were also placed on the Council's Website and at the Customer Service Centre.
- 3.4 The period of consultation ran from 20<sup>th</sup> August to 20<sup>th</sup> October, during which time the Council has received 5 responses. The schedule of

responses is attached at Appendix 'A'. In general the responses support the content of the policy and the Council's positive approach to the legislation.

- 3.5 In light of the comments received, it has not been necessary to make any major changes to the Statement of Policy on this occasion. A copy of the Council's Statement of Policy is attached at Appendix 'B'.
- 3.6 Members may wish to note that the licensing authority has worked in partnership with the other authorities in the County to produce a county-wide policy statement which provides consistency, for trade organisations, in the way in which applications will be determined.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications associated with the adoption of the Statement of Licensing Policy that cannot be contained within the current budget.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 5 requires the Council to consult on its Statement of Licensing Policy before it is published in accordance with the Licensing Act 2003.
- 5.2 Failure to have an adopted policy in place by 7<sup>th</sup> January 2008 will result in the Council not being in a position to continue to exercise its functions under the Act.

#### **6. COUNCIL OBJECTIVES**

- 6.1 This Policy will assist the Council in meeting its objectives in terms of regeneration and improvement.
- 6.2 The licensing of individuals and premises is a statutory function under the Act.

#### **7. RISK MANAGEMENT**

- 7.1 The main risk associated with the details included in this report are:
  - Failure to have an adopted policy in place by 7<sup>th</sup> January 2008 will result in the Council not being in a position to exercise its functions under the Act. This would have a negative impact on the Council.
- 7.2 This risk is being managed as follows:
  - Failure to have an adopted policy in place:  
Risk Register: 03  
Key objective Ref Nos: CO2

Key Objectives: Improvement

8. **CUSTOMER IMPLICATIONS**

- 8.1 Neighbouring authorities are also proposing to adopt similar policy statements, this will allow for greater consistency, particularly across the County, in the way in which applications will be determined. This will be helpful for trade organisations that also have premises in neighbouring local authority areas.
- 8.2 A copy of the Statement of Licensing Policy will be available on the Council's website as well as on request from either the Licensing Section or the Customer Service Centre.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 The Council's Equalities and Diversity Section have been consulted and there are no implications.

10. **OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	The Council's Community Safety Unit have been consulted.
Policy	The Policy will be in force for a period of three years, subject to any subsequent revisions, after which a further review must take place.
Environmental	None

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	No

Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. **APPENDICES**

Appendix 1 *A copy of the revised Statement of Licensing Policy*

Appendix 2 *Summary of responses received during the consultation period*

13. **BACKGROUND PAPERS**

The existing Statement of Licensing Policy

Licensing Act 2003

Guidance issued by the Secretary of State for Local Authorities

Responses received from consultees.

**Contact officer**

Name: Sharon Smith – Principal Licensing Officer

E Mail: [sharon.smith@bromsgrove.gov.uk](mailto:sharon.smith@bromsgrove.gov.uk)

Tel: (01527) 881626