

Review of Statement of Licensing Policy (Licensing Act 2003)

Summary

1. This report seeks members support for the review of the council's statement of licensing policy. It advises, of the consultation undertaken and of the amendments made as a result of changes to legislation and revised guidance. The report seeks a recommendation of full council that the revised policy be approved.

Background

2. Section 5 of the Licensing Act 2003 (the Act) requires licensing authorities to determine and publish a statement of licensing policy, every 3 years. The current City of York Council policy runs from 7th January 2008 to 6th January 2011.
3. A new statement of licensing policy must be approved by full council and published before 7th January 2011.
4. The Act requires that, before determining its policy, the licensing authority must consult the following: -
 - (a) the chief officer of police
 - (b) the fire authority
 - (c) persons representative of premise licence and club premises certificate holders
 - (d) persons representative of personal licence holders
 - (e) persons representative of businesses and residents
5. The consultation process asked respondents if they wish to see any changes to the current policy. It did not propose specific changes.
6. All changes resulting in the consultation have been incorporated into the draft revised policy attached at Annex 1. To assist members the changes have been highlighted as follows; deletions appear crossed out, and all additions underlined. This process has altered page numbering but this will be rectified following members consideration of the revisions.
7. Incorporated in this revised policy are the changes in legislation and the new guidance. These include changes resulting from the introduction of the Policing and Crime Act 2009 relating to sexual entertainment venues.

Consultation

8. The process for consultation involved direct mailing and use of the councils website. The organisations/persons listed at Annex 2 were consulted. The results of the consultation are detailed in the table at Annex 3.
9. Within section 3.6 of the Statement of Licensing Policy, under Tourism, it states that “each year the Licensing Committee will receive a report on the needs of the local tourist economy”. A report from Ian Tempest of Visit York is attached at Annex 4.

Options

10. Members are asked to consider:
Option 1 - approving the revisions as indicated in the draft policy
Option 2 - amending the draft policy

Analysis

11. All members of the committee were invited to participate in the consultation exercise. However in light of the responses received further revisions can be made before referral to Full Council.

Corporate Strategy

12. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Successful application of the Act will contribute in promoting these objectives and reduce the perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

13. **Financial:** None
14. **Human Resources (HR):** None
15. **Equalities:** None
16. **Legal :** The Council is required to publish a new statement of licensing policy before 7th January 2011 to comply with the requirements of the Licensing Act 2003. Failure to do so would result in the Licensing Authority being unable to discharge its legal duty under the 2003 Act.
17. **Crime and Disorder:** Members are reminded of their duty under the Crime and Disorder Act 1998, to consider the crime and disorder implications of their decisions and the authority’s responsibility to co-operate in the reduction of crime and disorder in the city.

- 18. **Information Technology (IT):** None
- 19. **Property:** None
- 20. **Other:** None

Risk Management

- 21. A new statement of licensing policy must be in place before the 7th January 2011. Without such a policy any decision made thereafter could be subject to legal challenge..

Recommendations

- 22. Members are asked to approve option 1 and recommend to full council that the draft statement of licensing policy be adopted.

Reason : To reflect the result of consultation and meet legislative requirements.

Author:
Lesley Cooke
Senior Licensing Officer

Chief Officer Responsible for the report:
Steve Waddington
Assistant Director
Housing & Public Protection

Communities and Neighbourhoods

Report Approved Date 2/11/10

Tel No: 01904 551526

Specialist Implications Officer
Legal – Sandra Branigan
Tel No. 01904 551040

Wards Affected: All Wards



For further information please contact the author of the report.

Background Papers:

CYC Statement of Licensing Policy 2011 - 2014

Annexes:

- Annex 1: Draft Statement of Licensing Policy
- Annex 2: List of Consultees
- Annex 3: Results of the Consultation
- Annex 4: Tourism Issues 2010 Report