

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

20 DECEMBER 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Portfolio - Housing & Community Safety – Lead Cabinet Member – Councillor Nelson

REVIEW OF STATEMENT OF LICENSING POLICY

1. Summary

The Council is required by the Licensing Act 2003 to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. This report details the results of consultation on a draft revised statement of licensing policy.

2. Recommendations

1. That members consider the draft revised Statement of Licensing Policy and approve the proposed changes

3. Reasons for the Recommendations/Decision(s)

The Licensing Act 2003 requires the Council to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007.

4. Members

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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REVIEW OF STATEMENT OF LICENSING POLICY

SUMMARY

The Council is required by the Licensing Act 2003 to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. This report details the results of consultation on a draft revised statement of licensing policy.

RECOMMENDATIONS

1. That members consider the draft revised Statement of Licensing Policy and approve the proposed changes

DETAIL

1. The Licensing Act 2003 requires the Council to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. The policy has received no adverse comments since the transfer of licensing functions to the authority and it was not felt necessary to make any major changes.
2. Proposed changes to the document are limited, one is in relation to Stockton Local Safeguarding Children Board's address, the other relates to the introduction of Members of the Licensing Authority as 'interested parties' with effect from 29 January 2010 as introduced by Section 33 of the Policing and Crime Act 2009. The draft revised policy as sent out for consultation is attached at Appendix One and the changes are highlighted in the margins.
3. Consultation was undertaken with the following:
 - a) Cleveland Police Force;
 - b) Cleveland Fire Brigade;
 - c) Existing Premise Licence holders;
 - d) Existing Club Premise Certificate holders;
 - e) Existing Personal License holders;
 - f) Representatives of businesses and residents in the Stockton Borough Council area;
 - g) The Local Safeguarding Children's Board;
 - h) Trade bodies and Associations; and
 - i) A number of Solicitors Practices who undertake licensing work in this area.
4. No comments on the proposed Statement of Licensing Policy were received from any of the consultees.

5. The Licensing Committee considered the draft Statement of Licensing Policy at its meeting on 21 October 2010 and they recommended that it should be passed on to Cabinet for approval.
6. The Police Reform and Social Responsibility Bill, published on 30th November 2010, proposes to make a number of amendments to the Licensing Act 2003 to address crime and disorder and other social harm caused by alcohol.
7. The main proposals are as follows:
 - the maximum fine for persistent under age selling will be doubled to £20,000
 - the impact of licensing applications on public health will now be taken into account
 - you no longer have to live or work within the vicinity of a new licensing application to be able to comment
 - the bill proposes scrapping 'bureaucratic and unused' alcohol disorder zones provision
 - local authorities will be able to suspend licenses if fees are not paid
 - it makes provision to enable licensing authorities to introduce a levy in their areas which will be payable by premises which supply alcohol as part of the late night economy. At least 70% will go to the police and crime commissioner to pay funds to bodies tackling alcohol related crime and disorder
 - it gives licensing authorities the power to remove or refuse licenses by enabling them to fulfil the same functions as existing responsible authorities, and to communities to make representations in relation to licensing decisions or call for a review of licensed premises
 - the mandatory code will be reviewed within 12 months of its introduction
 - The Licensing Policy Statement will need to be reviewed every five years rather than every three years.
8. These changes cannot be incorporated in to the revised policy at this stage as they still have to complete the parliamentary process.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The authority is required by law to review its Statement of Licensing Policy every three years.

RISK ASSESSMENT

This (subject matter of report) is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Environmental and Housing:

The implementation of the Licensing Act has an impact on the communities' environment. Through the maintenance of a strategic Licensing Policy there will be opportunities to further improve the environment, to the benefit of all.

Safer Communities:

Community Safety is one of the cornerstones of the implementation of the Licensing Act. The administration and enforcement of the Act should assist in reducing crime and disorder.

CONSULTATION INCLUDING WARD/COUNCILLORS

Consultation was undertaken with Members and those individuals/groups outlined in paragraph 3 of the report

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<u>Education related?</u>	No
<u>Background Papers</u>	The Licensing Act 2003 Guidance issued under Section 182 of the Licensing Act 2003
<u>Ward(s) and Ward Councillors:</u>	N/A
<u>Property</u>	N/A