

Meeting of the Council – 29th November, 2010

Report of the Cabinet

Review of the Licensing Policy

Purpose

1. To consider the recommendations of the Licensing and Safety Committee and the Cabinet in relation to the review of the Licensing Policy, following consultation with relevant authorities and parties.

Background

2. The Licensing Act 2003 requires the Council to review and publish a statement of its Licensing Policy every three years.
3. The original Licensing Policy was approved on 6th December, 2004 by full Council and published on 7th February, 2005. This was subsequently reviewed in March, 2007 with the addition of the Cumulative Impact Policy.
4. The Licensing and Safety Committee recommended approval to the Council of the current Licensing Policy on 13th November, 2007 which was followed by Council approval on 3rd December, 2007. The Licensing Policy was published on 7th January, 2008 and came into force on 7th February, 2008.
5. In May, 2010 letters were sent to the statutory consultees and a wide number of organisations informing them of the revision of the Licensing Policy, inviting their comments by 31st August, 2010 and directing them to the Licensing Web Site where a draft Licensing Policy could be viewed.
6. There is a comprehensive list of consultees on pages 46 and 47 of the Licensing Policy.
7. A copy of the draft revision of the Licensing Policy can be found on the Council's website, which can be accessed via <http://www.dudley.gov.uk/index.asp?pgid=13517>
8. A copy of a table showing the comments received from the consultees is attached as Appendix 1 to this report.

9. The Licensing and Safety Committee, at its meeting held on 8th September, 2010, resolved to recommend the Cabinet that the Licensing Policy, as revised, be recommended to Council for approval. The Cabinet endorsed this recommendation at its meeting on 27th October, 2010.

Finance

10. There are no financial implications to the Council.

Law

11. Section 5 of the Licensing Act 2003 requires the Council to prepare and publish a statement of its Licensing Policy every three years.
12. Sections 5 – 8 of the Licensing Act 2003 allows for the Policy to be determined by full Council.

Equality Impact

13. This report complies with the Council's policy on equality and diversity.
14. The Licensing Policy will impact on children and young people by their attendance at premises licensed by the Council.
15. There has been no direct consultation with children and young people in developing these proposals. However, Children's Services have been consulted on the review of the Licensing Policy.

Recommendation

16. That the revised Licensing Policy be approved.



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Leader of the Council

CONSULTEE COMMENTS

CONSULTEE	PAGE	COMMENTS	PROPOSED RESPONSE
Planning Division (Development Control)	N/A	Informed of proposals for Stourbridge Area Action Plan. Current Cumulative Impact Policy may have an impact	Licensing Officer contacted Senior Planning Officer Planning Policy Team and agreed that Licensing will contribute to consultation meetings on the Stourbridge Area Action Plan to ensure that all licensing implications are taken into account before the plan is finalised.
Association of Convenience Stores	N/A	Brought to our attention proof of age schemes already included in the Licensing Policy and Community Alcohol Partnerships, which is in hand.	
British Beer and pub Association	Page 6 - 2.2 4 th paragraph last sentence	The policy states:- Licensing Authority will not seek to duplicate responsibilities already held under other statutes, but where safety issues are either unique to the premises or the licensing objectives they should be addressed While accepting there is often an overlap with other regimes the section does offer potential for duplication which the authority states it is trying to avoid so we do not believe it needs to go into so much detail here.	Not accepted – Policy should not be amended.

	<p>Page 6 2.2 3rd Paragraph first sentence</p>	<p>The applicant will be expected to carry out a thorough risk assessment for public safety prior to application</p> <p>Here again this is not necessary as it would duplicate existing legislation. By including the reference the policy is attempting to micro-manage premises. It should also be remembered that compliance with health and safety will also form part of the contract a licensee will sign with his pub company.</p>	
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