



DERBY CITY COUNCIL

**GENERAL LICENSING COMMITTEE
19 DECEMBER 2007**

Report of the Interim Director of Environmental Services

Review of The Licensing Policy 2008 and Consultation Results

RECOMMENDATION

- 1.1 To approve the recommendations of the Cross Party Working Group.
- 1.2 To note the comments and information obtained from the consultation process.
- 1.3 To recommend to Council the adoption of the final draft 2008 version of the Licensing Policy.

SUPPORTING INFORMATION

- 2.1 The current licensing policy was approved at committee in November 2004 and came into force in February 2005. The policy sets out how the Council will achieve its responsibilities under the Licensing Act 2003. It is used as guidance for applicants applying for a license, by the Council when considering applications for licenses and for enforcement of licensing conditions.
- 2.2 Under the Licensing Act 2003, the Council is required to review its licensing policy every three years. The review of the licensing policy must therefore be completed by February 2008.
- 2.3 The licensing policy has been the subject of a consultation exercise between July and October 2007, with the results being collated in November 2007. Members also resolved to establish a cross party working group to consider comments received from the consultation exercise.
- 2.4 Approximately 95 policy consultation packs were sent out to statutory consultees, for example, Responsible Authorities, Partnership Groups and Enforcement Bodies. Further packs were made available in public places, and to forum groups. 950 mail shots were also sent out informing people likely to have an interest, for example licensees, of the review and how to access the policy should the wish to comment. A summary of the consultation plan and summary of work completed is attached in Appendix 2.
- 2.5 A total of four completed questionnaires were received. A summary of the responses are attached in Appendix 3. All the responses were positive about the current policy.

- 2.6 The cross party working group met on 16 November 2007 to consider the comments that had been received and the officer's recommendations about those comments. This information is contained in Appendix 4. Where appropriate the comments made have been incorporated into the policy. Some of the other comments made fell outside the scope of the policy or went substantially beyond what the Council is permitted to do under the legislation and statutory guidance.
- 2.7 The recommendations of the cross party working group have been incorporated into the final draft version of the Council's licensing policy which is attached in Appendix 5.

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Background papers:	General Licensing Committee Report 11 July 2007
List of appendices:	Appendix 1 – Implications Appendix 2 – Methods of consultation planned and summary of work completed November 2007 Appendix 3 – Responses from questionnaire Appendix 4 – Review of comments and cross group working party responses Appendix 5 – Revised policy for 2008 - 2011

IMPLICATIONS

Financial

1. None. Additional funding for producing the revised licensing policy and the consultation process was approved and included in the 2007/08 budget process.

Legal

- 2.1 The Licensing Act 2003 requires the Council to prepare and publish a statement of its licensing policy every three years. The policy must be ratified by Full Council in January 2008 and published before the Council carries out any function in respect of any applications made under the terms of the Act.
- 2.2 Before determining its policy for any three-year period, the Council must carry out a statutory consultation process.

Personnel

3. None directly arising from this report.

Equalities impact

4. The licensing policy promotes the principles of openness, fairness and equality throughout, but specifically mentions equality in section 10. The consultation process ensured that many different groups were able to see and comment on the policy.

Corporate priorities for change

- 5 The review of the licensing policy contributes to the Council's priorities of **Making us proud of our neighbourhoods, Creating a 21st Century City Centre, Helping us all to be healthy, active and independent and Giving you excellent service and value for money.**