



DERBY CITY COUNCIL

GENERAL LICENSING COMMITTEE 11 JULY 2007

Report of the Interim Director of Environmental Services

Review of Licensing Policy and Consultation Procedure

RECOMMENDATION

- 1.1 To note the consultation plan.
- 1.2 To approve the consultation plan.
- 1.3 To note that after consultation, the Policy will be brought back for review by the General Licensing Committee before passing to Full Council for final approval.
- 1.4 To arrange the meeting for the cross-party working group to consider the responses of the consultation, in line with the consultation plan timetable.

SUPPORTING INFORMATION

- 2.1 Under the Licensing Act 2003, the Council must review its licensing policy every three years. The review of the licensing policy must therefore be completed by February 2008. The policy provides guidance on the consideration of applications and also the achievement of the requirements of the Act and associated licence conditions through consultation, liaison and enforcement.
- 2.2 Consideration of the new, revised guidance issued under section 182 of the Licensing Act 2003 will be made. Any necessary alterations will be incorporated into the policy before consultation.
- 2.3 Implications relating to the review of the licensing policy are included in Appendix 1

Key Features of the Licensing Policy

- 3.1 The key issues addressed in the Licensing Policy are:
 - a) The need to achieve four licensing objectives relating to:
 - public safety
 - protection of children from harm
 - prevention of crime and disorder
 - prevention of public nuisance

- b) The importance of the Council to consult and liaise with statutory consultees, partnership and industry groups, potential applicants and members of the community.
- c) The use of licence conditions attached to individual licences to ensure premises and persons achieve the four licensing objectives.
- d) The provision of a risk based educational and enforcement licensing system to achieve a consistent, cost effective and fair system.
- e) The need to plan and provide an effective system or administration and delegation of the licensing function.

3.2 The Consultation Plan for the review is provided in Appendix 2.

In summary, the Plan is a brief overview of the procedure and timetable for consultation for the review of the Licensing Policy. The methods of consultation are currently being developed in order to achieve effective consultation within the timescale set out in the Plan.

Background

- 4.1 The primary aim of the legislation is to provide a simplified and transparent licensing system, administered by the local authority.
- 4.2 The licensing system intends to provide a fairer system for the leisure and hospitality industry and a more structured enforcement system with strong powers for the local authority, police and the courts.
- 4.3 The Licensing Policy provides guidance on the basic principles on which the Council's licensing system is based. It is supported by and worked in accordance with the Licensing Act 2003 and Government guidance.

Timescale

- 5.1 The consultation period will run mid-July to mid October 2007. The policy will be presented to the General Licensing Committee on 19 December 2007. It should be approved by Full Council at the 23 January 2008 meeting before the required date of 7 February 2008.

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Background papers:	None	
List of appendices:	Appendix 1 – Implications Appendix 2 – Licensing Policy Review Consultation Plan	

IMPLICATIONS

FINANCIAL

- 1.1 Resources will be needed at this stage to cover the costs of the consultation process. This will have an impact on our income.

LEGAL

- 2.1 The Local Authority is required to review its Licensing Policy every three years. It is also required to consult with a number of specific groups and with members of the public regarding its content.

PERSONNEL

- 3.1 The consultation process will inevitably lead to increased workloads for Environmental Health & Trading Standards, particularly for the Licensing Team.

EQUALITIES IMPACT

- 4.1 None directly arising.

CORPORATE THEMES AND PRIORITIES FOR CHANGE

- 5.1 The Council's Licensing Policy used by the Licensing Panel in determining applications, contributes to the Council's objectives of **protecting and supporting people** and **a healthy environment**.

LICENSING POLICY REVIEW CONSULTATION PLAN
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1. PROCESS

- 1.1 This document sets out how the Council will carry out consultation as part of the three yearly review of its Licensing Policy.

The requirement to carry out consultation falls under the Licensing Act 2003.

Before determining its policy the Council must consult with a number of key individuals, including the Chief Police Officer, Chief Fire Officer and persons it considers represent premises licences, personal licences, businesses and residents.

- 1.2 In addition to this, the Council will also endeavour to ensure that the consultation process links into other Council Departments, Partnerships and agencies that deal with:

- public safety
- the protection of children
- the prevention of crime and disorder
- the prevention of public nuisance
- planning
- transport
- tourism & culture

- 1.3 The Council recognises that there are a number of ways in which the contents of the policy can be circulated for comments. Examples will include:

- a published policy with comments slip
- newspaper/media coverage
- mail shots
- the Council's website
- Area panels
- Residents' Associations
- Community Forums

- 1.4 The aim of the consultation process will be to ensure that as many people as possible are given the opportunity to see and comment on the contents of the policy.

2. TIMETABLE

2.1 The policy must be reviewed every three years in accordance with the Licensing Act 2003 and should be approved by Full Council before 7 February 2008.

2.2 The proposed timescale for consultation is:

Mid July 2007 to Mid October 2007	-	Policy out for consultation
Beginning November 2007	-	Collating feedback from the consultees
November 2007	-	Meeting with cross-party working group to consider the responses to the consultation
December 2007	-	Revised Licensing Policy to be presented to the General Licensing Committee for approval
January 2008	-	Policy presented to Full Council for final approval
End January 2008	-	Publish and publicise revised Licensing Policy