

## REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner
<b>Papers with report</b>	Draft revision of the Statement of Licensing Policy
<b>Ward(s) affected</b>	All

### SUMMARY

The Licensing Act 2003 requires the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This is the second full review of the policy since the implementation of the Act in 2005. The Council will need to approve and adopt the revised policy which will be effective from 2011 to 2014.

In January 2010, the working party was convened and the review process was started.

### RECOMMENDATION

**That the Licensing Committee agree the draft Statement of Licensing Policy for full consultation (see appendix 1).**

### INFORMATION

1. Section 5 of the Licensing Act 2003 requires the Licensing Authority to review its Policy every three years.
2. Hillingdon's current Statement of Licensing Policy was reviewed in 2007 and approved by the full Licensing Committee in September 2007. The revised Policy was adopted by full Council in November 2007, and came into force for the period January 2008 to January 2011.
3. The revised policy, when approved, will be in force for the period January 2011 to January 2014.

### THE LICENSING ACT 2003

1. Section 5 of the Licensing Act 2003 states that:-

Each Licensing Authority must in respect of each three year period:

- (a) determine its Policy with respect to the exercise of its licensing functions, and
- (b) publish a statement of that Policy (a 'licensing statement') before the beginning of that period.

2. Section 5 (3) of the Licensing Act 2003 requires Licensing Authorities to consult:-

- (a) the chief officer of police for the licensing authority's area
- (b) the fire authority for that area
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

### ACTION INSTIGATED BY THE LICENSING SERVICE

In January 2010, a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party was made up of the following officers:

- Norman Stanley – Licensing Services Manager
- Sharon Garner – Licensing Officer (the co-ordinating Officer in respect of the review)
- Kathryn Sparks – Deputy Director, Environment and Consumer Protection
- Ed Shaylor – Head of Community Safety
- Sue Pollitt – Trading Standards Service Manager
- Jaspal Wadra – Principle Environmental Health Officer
- Beejal Soni – Licensing Lawyer from Legal Services
- Natasha Dogra – Democratic Services Officer
- Sgt Ian Meens – Metropolitan Police Service
- Station Commander Martin Green (represented by Inspecting Officer Derek Bird) – London Fire & Emergency Planning Authority
- Paul Hewitt – Safeguarding Children and Quality Assurance Service Manager

The working party agreed that the current licensing policy has worked well since its implementation in 2008 and has not been subject to any challenge. It was therefore agreed by the working party not to change the content or format to any great degree, however some minor changes were proposed. Those amendments are shown typed in **RED**.

### CONSULTATION AND APPROVAL PROCESS

1. The full Licensing Committee are requested to endorse the draft revised policy for full consultation.
2. The consultation period will run for 12 weeks. Consultees will include neighbouring authorities, trade bodies and associations, responsible authorities and others as detailed in Appendix 2 annexed. Comments will be invited from all consultees.
3. If observations, comments or proposals are received, they will be considered by the working party and drafted into the revised policy document.
4. The revised policy will then require formal approval from the full Licensing Committee, RESPOC, Cabinet and finally full Council.

## LEGAL IMPLICATIONS

This report has been considered by the Borough Solicitor's Office for its legal implications in accordance with Council's procedures. There are no issues that need to be brought to the specific attention of Members other than those highlighted in the report.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003