

COMMITTEE: EAST LUTON AREA COMMITTEE

DATE: 29TH SEPTEMBER 2004

SUBJECT: DRAFT STATEMENT OF LICENSING POLICY -
CONSULTATION

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER
SERVICES

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IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY	✓
EQUALITIES		ENVIRONMENT	
FINANCIAL		CONSULTATIONS	✓
STAFFING		OTHER	

WARDS AFFECTED: ALL

PURPOSE

1. This report presents the Draft Statement of Licensing Policy for consideration by the Committee as part of the formal consultation on the draft Policy.

RECOMMENDATION(S)

2. East Luton Area Committee is recommended to consider the Draft Statement of Licensing Policy and make comments and recommendations on any of the issues contained in the draft.

BACKGROUND

3. The Licensing Act 2003 (the Act), provides that from the “first appointed day”, 7 February 2005, applications for a variety of licences, including for the sale and supply of alcohol, will be made to the Council rather than at

present, to the Magistrates Court. The Act requires local authorities to publish a statement of licensing policy before determining licence applications.

REPORT

4. The Act requires that before determining its licensing policy, the Council must carry out extensive consultations with key stakeholders including the Police, the Fire Service, local businesses, residents and licensees.
5. The Secretary of State published guidance to the Licensing Act 2003, including the preparation of statements of licensing policy, on 7 July 2004. The Act states that licensing authorities must have regard to the guidance in carrying out their licensing functions.
6. The Head of Environmental and Consumer Services and the Head of Legal Services have prepared a Draft Statement of Licensing Policy which was approved by Executive as a draft on 5 July subject to minor amendments to bring it in line with the Guidance, when published, and Counsel's advice. The amended Draft Statement of Licensing policy is attached as Appendix 1.
7. The consultation period is required to run for 12 weeks and the proposed timetable is as follows:

27 August 2004 to 19 November 2004 -- Consultation period
13 December 2004 -- Executive approval of final draft policy
18 January 2005 -- Full Council approval (if required)
7 February 2005 -- First appointed date.

PROPOSAL/OPTION

8. It is proposed that the East Luton Area Committee considers the Draft Statement of Licensing Policy and makes comments and recommendations on any issues contained within the draft.

LEGAL IMPLICATIONS

9. The Licensing Act 2003 requires local authorities to produce a statement of licensing policy, following consultation, prior to determining licence applications. The licensing policy must be drafted having regard to the Guidance, and must take account of the four Licensing Objectives.

COMMUNITY SAFETY IMPLICATIONS

10. Licensees must produce an operating schedule identifying how they will meet the four Licensing Objectives, which are
 - Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm.
11. Permitted hours will be abolished, and the Government's view is that this should help put an end to "binge drinking" based on the current 11pm closing time for pubs, and later hours for nightclubs.

CONSULTATION IMPLICATIONS

12. Consultation on the Draft Statement of Licensing Policy started on 27 August 2004 and will run for 12 weeks. A list of consultees is contained within the Draft Policy. Responses are required in writing and a response form has been and will be supplied with all copies of the draft policy.
13. A leaflet, aimed at members of the public, setting out basic information about the Licensing Act 2003 has been produced and stocks have been provided to libraries, community centres and other public venues.
14. A copy of the Draft Policy has been published on the Council's website

APPENDIX

Appendix 1: Draft Statement of Licensing Policy

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Guidance issued under section 182 of the Licensing Act 2003 by The Secretary of State for Culture, Media and Sport, July 2004