

LICENSING AND REGULATION COMMITTEE

14 December 2004

LICENSING POLICY – CONSULTATION RESPONSES

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

LR 109 Licensing Policy Consultation Draft - 5 October 2004

EXECUTIVE SUMMARY:

At its meeting of 5 October 2004, the Committee approved a draft a statement of licensing policy, for consultation purposes, in compliance with the requirements of the Licensing Act 2003.

This report details the consultation which has been carried out, and summarises the results. Suggested amendments to the draft are proposed, so that the policy can be recommended for adoption to Full Council on 5 January 2005.

RECOMMENDATIONS:

TO COUNCIL

1        That the amended policy (attached as Appendix 2) be agreed (subject to such further amendments as Members may consider appropriate) and adopted as the City Council's Licensing Policy for the three year period from 7 January 2005.

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##### DETAIL:

##### 1 Introduction

- 1.1 Under Section 5 of the Act, the City Council is under a duty to prepare and publish a statement of licensing policy every three years. The policy must be in place before any applications are dealt with under the Act.
- 1.2 Prior to determining the policy, the Council must carry out a consultation exercise, and consider the views of various individuals and groups before the policy is published.
- 1.3 At its meeting of 5 October 2004, the Committee approved a consultation draft policy. Officers have carried out a consultation exercise on the basis of the agreed draft policy, and this report summarises the results of this, and recommends amendments to the draft in the light of comments received. The revised policy will then be considered by Full Council on 5 January 2005, prior to the Transition Period commencing on 7 February 2005.

##### 2 Consultation Exercise

- 2.1 Following approval of the draft Policy on 5 October, the consultation exercise was publicised in a number of ways. The consultation period lasted from 6 October until 15 November 2005, although comments received subsequent to this date have been taken into account in this report.
- 2.2 An item was placed on the front page of the Council's website during the consultation period, with brief details of the policy, and a link to allow the draft to be downloaded. This registered 267 in October and 206 downloads.
- 2.3 A press release was issued, which included a general statement on the new provisions, as well as details of two public meetings which were held during the period. As well as the press release, formal public notices were placed in the Hampshire Chronicle and The News.
- 2.4 Public meetings were held in Winchester Guildhall (12 October) and Wickham Community Centre (4 November). The Winchester meeting attracted some thirty people, including Members, licensees, and members of the public. The Wickham meeting was attended by twelve people; these were predominantly licensees, although three local Members attended.
- 2.5 A summary of the policy, as well as a summary of the new provisions and a questionnaire, was sent to over 500 consultees. This mailing included all known licensed premises (pubs, restaurants, off-licences and village halls), as well as premises such as takeaways which are not currently licensed but will be under the

Act if they open late at night. It also included all parish councils, and known residents associations and trade bodies such as local chambers of commerce. The same documentation was sent to various parties (usually solicitors representing pub chains) who had requested copies of the draft policy once it had been issued.

### 3 Results of Consultation Exercise

- 3.1 Some sixteen responses in total were received under the consultation exercise. 5 were from trade bodies or solicitors acting for companies in the trade, 2 were from current licensees, 3 were from parish councils, 2 from residents' associations, 3 from statutory bodies (including the Police) and 1 from a local resident.
- 3.2 Many representations indicated general support for the Council's approach. Some representations indicated dissatisfaction with the legislation, rather than the policy itself.
- 3.3 Trade representatives made a number of comments on the detailed wording of the policy. The main concerns expressed were that (in the consultees' view) the policy was too prescriptive and detailed, and duplicated existing legislation.
- 3.4 The Police have confirmed their agreement with the draft, and have no amendments to propose.
- 3.5 Appendix 1 sets out a summary of the representations received, together with officers' recommended responses to each point. In several cases, amended wording is proposed, to clarify the policy wording, or otherwise deal with the representation. Otherwise, where it is considered that the policy wording remains appropriate, no changes are recommended.
- 3.6 For Members' reference, Appendix 2 sets out the draft policy, with tracked changes showing the amendments proposed in Appendix 1.

### 4 Adoption of Policy

It is proposed that Full Council be asked to approve and adopt the final Statement of Licensing Policy at its meeting of 5 January 2005. The policy must be in place at least one month before the commencement of the Transition Period on 7 February. Once approved, copies of the Policy would be placed on the website, and printed copies will be made available to all Members of the Licensing and Regulation Committee.

### OTHER CONSIDERATIONS:

#### 5 CORPORATE STRATEGY (RELEVANCE TO):

- 5.1 The Licensing Policy relates to the Key Priorities of Economic Prosperity and Cultural and Leisure Opportunities, and the drawing together of partnership resources in the community to address residents' needs.

#### 6 RESOURCE IMPLICATIONS:

- 6.1 Provision of £60,000 has been made in the Licensing budget to cover the additional costs implementing the new licensing system, and the costs of the consultation exercise will be met from this budget.

BACKGROUND DOCUMENTS:

Guidance on Licensing Act 2003

APPENDICES:

Appendix 1 – Representations received on draft Licensing Policy and recommended responses to the representations.

Appendix 2 – revised draft Licensing Policy (showing proposed amendments with tracked changes).