

TO: LICENSING COMMITTEE
DATE: 26 NOVEMBER 2009
SUBJECT: Statement of Licensing Policy Review: Consultation
BY: Interim Head of Legal/Executive Member for Community Services
Classification: Unrestricted

Summary: This report will detail the consultation process that the Licensing Authority proposes to take to formally review their Statement of Licensing Policy. This report will also identify the cost implications.

Implications: **Human Resources Implications:**
During November and December, it has been agreed that the Licensing Enforcement Officer shall work 4 days within Licensing and 1 day in Environmental. In June and July 2010 the Enforcement Officer will work 4 days in Environmental and 1 day in Licensing – This will put a strain on the Licensing Resources during June and July 2010.

Finance Implications:
These are set out in the report.

Legal Implications:

The Licensing Authority should formally review its adopted Statement of Licensing Policy every 3 years, under the revised Guidance June 2007. The review is overdue, so further delay should be avoided where possible.

Crime & Disorder Implications (Section 17):

None

Equalities & Diversity Implications:

The policy and consultation process aim to be fair and to balance the needs of all members of the community and users of the licensing service. Both have been designed to avoid discriminating against those under the six strands. The draft policy is available on our website and, by request, hard copy. The language is in English as a survey undertaken in October 2008 (Personal Licence Holders) identified that only 7.5% were on non-British origin, but could still read, write and understand English.

An Equalities Impact Assessment, on the policy, will be carried out and brought to the full council meeting on 24 February 2010.

Sustainability Implications:

None

Risk and Health and Safety Implications:

None

Corporate Plan Implications:

The Statement of Licensing Policy is closely connected to the Corporate Plan Refresh 2009. The consultation will identify what the public and the licensing trade think of our service performance and will seek their views on the way in which applications, under the Licensing Act 2003, will be dealt with.

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- Decisions Required:**
- I recommend:
- Approval of the draft Revised Licensing policy
 - Approval of the Consultation Process and timetable
 - The cost implications be noted.
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Background:

Swale Borough Council, as a Licensing Authority, must produce a Statement of Licensing Policy to identify how applications under the Licensing Act 2003 will be considered. Three years after being adopted the Licensing Authority is duty bound to formally review the Policy, which includes both public and trade consultation.

In October 2007 a consultation on the existing statement of Licensing Policy was undertaken and no amendments were recommended. A report, which cannot be identified, was produced, but there is no record of it being formally adopted by full Council. Due to changes in the Licensing Act and the council's own implemented strategies, a revised Statement of Licensing policy has been proposed. The authority should consult on any revisions to the policy.

On this occasion, the period of public consultation will be short of the 12 weeks recommended by in the Cabinet Office's code of practice. The policy review consultation is based on a revised format (to comply with corporate standards) and a complete review of the existing policy document has been undertaken. The proposed revised Policy will be circulated in advance of the committee meeting. The main changes and improvements to the policy are:

- Easier more legible format
- More comprehensive guide to the licensing service and our functions
- Information relating to Swales 'Alcohol Control Zones'
- Information relating to Smoke-free Legislation
- Clearer policies relating to the Licensing Objectives, and what information the council seeks, from the applicants, to promote those objectives.
- Recent changes in the Licensing Act (Minor Variations)

Consultation

Consultation will be carried out with interested parties for a formal period of seven weeks, from 30 November 2009 to 18 January 2010; satisfying the requirements under Section 5 of the Licensing Act 2003. The main factors influencing the consultation timetable are the need to comply with the Secretary of State's revised Guidance dated June 2007 and the requirement for the council to approve and publish the revised policy without delay.

All representations on the revised statement of Licensing Policy will be summarised and reported to the Licensing Committee. The Licensing Committee will have the opportunity to consider those representations and consider whether it wishes to make any recommendations to full Council. Full Council will then consider the Revised Policy

Those **Key dates for Consultation** are:

Start of Consultation: Monday 30 November 2009

End of Consultation: Monday 18 January 2010 at 12 noon.

Draft Policy brought to Licensing Committee: 21 January 2010

Draft Policy brought to full council: 24 February 2010

There are 3000 consultees, including the licensing trade, Personal Licence holders, Temporary Event applicants, Complainants and the general public. The responsible authorities have also been included in the list of consultees:

<ul style="list-style-type: none">• The Kent Police Licensing Manager for mid Kent• The Kent Police Licensing Officer for Swale• The Kent Police Officer responsible for designing out crime• The Kent Fire Authority for the area• Trading Standards• Swale Borough Council's Environmental Department• Swale Borough Council's Planning Department• Child Protection Agency• Performing Rights Society• Crime & Disorder Reduction Partnership	<ul style="list-style-type: none">• LGS.uk Licensing Consultant• Due Diligence Licensing Consultant• British Institute of Inn-keeping• Bar, Entertainment & Dance Association (BEDA)• Swale Licensing Committee (15 Councillors)• Personal Licence Holders: 985• Premise Licence Holder: 388• Designated Premises Supervisors: 214 (this figure may be reduced)• Temporary Event Applicants: 103• General Public (3500 = 3% at 1,710 or 3000 = 2% at 1,140)
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The proposed questionnaire is attached at Appendix 1. The questions asked have been carefully selected to ascertain the consultee's views:

- on the revised licensing policy,
- on Swales Night-time economy,
- on potential gaps that can be considered in the next review,
- on proposed service standards so that the Licensing Authority can improve the way they deliver their service.

Equality Impact Assessment

To ensure that the Licensing Policy is properly developed, consideration should be given to any potential risks to those who may be affected by the policy or its revision. One of the steps taken to address this would be to extend the consultation to include equalities issues. The adopted Corporate Equalities Questionnaire is attached at Appendix 2. The information gathered will be used to:

- understand the demographic of our customers and of our residents,
- identify whether there are any gaps in our service, or
- identify any areas for improvement,
- ensure that all can access our service.

The results from the questionnaire will be reported to the next Licensing Committee along with the outcome of the Equality Impact Assessment.

Issues for decision:

To note the cost of consulting 3500 people/businesses at a cost of £475.97 (which will include 3% of the whole population of Swale) or at a slightly reduced cost, consult 3000 people/businesses which will be 2% of the population. There will also be a graphics cost for producing the approved Statement of Licensing Policy in January. These costs will be met within existing resources. Funds available are limited due to the significant reduction in fees received.

To consider whether the proposed revised Licensing Policy and the questions on the proposed questionnaire are appropriate for the consultation.

To consider the proposed consultation timetable, in view of the delay in completing the review.

Options:

The consultation must be undertaken to comply with Section 5 of the Licensing Act 2003 and the Guidance by Secretary of State June 2007. This review is now overdue. We must have a representative sample, but consideration could be given to a reduction in the number of consultees to save costs, or a reduction in the questions in the questionnaire to specifically cover the Review. In light of the improvements that can be made from the information on Service Standards, it would be more cost effective to do this in conjunction with this consultation.

Recommendations:

To agree that consultation should take place on the draft revised licensing policy, and the use of the proposed questionnaire.

To agree the proposed Consultation Timetable'.

To note the financial costs associated with carrying out the consultation and publishing a revised policy

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Date: Thursday 12th November 2009

Report approved by – Monica Blades-Chase

List of background documents - Current Licensing Policy adopted 2004.