

Report Title: Review of Lewes District Council Statement of Licensing Policy.

Report To: Licensing Committee. Date: 15 October 2010

Wards(s) Affected: All

Report By: Director of Planning and Environmental Services.

**Contact Officers: Ian Kedge Head of Environment & Health.
Garry Clark Licensing Officer.**

Purpose of Report:

To consider and approve the Statement of Licensing Policy for a further 3 years.

Officers Recommendation:

1. That the Licensing Committee considers the comments arising from the public consultation exercise on the Council's Statement of Licensing Policy.
 2. That the Licensing Committee recommends to Council the adoption of the revised Statement of Licensing Policy for a further 3 years from 7 January 2011.
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1. Reasons for Recommendations:

To comply with the provisions of the Licensing Act 2003 to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late night refreshments in the District.

2. Information:

- 2.1. The Licensing Act 2003 requires the Licensing Authority, Lewes District Council, to adopt a Statement of Licensing Policy for their area and to review that policy every 3 years.
- 2.2. The current Statement of Licensing Policy was approved by this Council and came into effect on 7 January 2008 and in accordance with the Statutory Guidance issued under Section 182 of the Act the Council is required to consult upon and prepare a Statement of Licensing Policy for a further 3 year period which must be in force with effect from 7 January 2011.
- 2.3. The Statement of Licensing Policy should be regarded as a local framework for decision making when considering licensing applications and the licensing committee and its sub-committees are required to have due regard to this when forming a decision.

2.4. Once published the Statement of Licensing Policy shall (subject to any further reviews and consultation) be in force for a further three year period until 7 January 2014.

3. Changes:

- 3.1. We have not received any legal challenge to our existing Policy Statement, nor have we received any adverse comments from the licensing trade or legal profession, other stakeholders and the general public with regard to the Policy.
- 3.2. Taking this into consideration, along with our experience over the past 3 years we have concluded that there is good cause to continue with the existing Policy in its current form and content other than minor and inconsequential amendments relating to delegation of functions, waste and the addresses of responsible authorities.
- 3.3. The amended statement of Licensing Policy (Appendix 1) is attached and illustrates in bold italic text the minor changes proposed.
- Delegation of functions, to include minor variations.
 - Other Legislation, 'Waste', to delete provisions of the Environmental Protection Act 1990 etc., and replace with 'appropriate legislation'.
 - The new address of the relevant police authority.
- 3.4. It has also been considered appropriate at this time that the model pool of conditions should be removed from our policy document. The model pool of conditions are contained within the Statutory Guidance and it is considered unnecessary that they should be included as part of our policy document.

4. Consultation:

- 4.1. The scope of consultation is provided for in the Statutory Guidance. We have consulted accordingly with the other responsible authorities, the licensing trade, the legal profession and public interested groups, and published the policy for consultation on line for the public, residents and businesses to make comments.
- 4.2. We have also placed a public notice in the Sussex Express dated 23 July 2010, the notice as published is attached (Appendix 2).
- 4.3. The consultation period commenced on the 19 July 2010 and was concluded on 24 September 2010.
- 4.4. We have received a total of six responses to the formal consultation during the relevant period and these are attached (Appendix 3).
- 4.5. Five of the responses are by way of acknowledgements and support the policy with one response from Head of Waste & Recycling Services, Lewes District Council, commenting on paragraph 6.4.7 of the policy relating to 'Waste and it is recommended that this amendment is accepted.

5. Timetable:

Having completed the period of public consultation and further to any decision of this committee the following timetable remains to be completed to allow for the implementation of the new Statement of Licensing Policy.

Consideration by Licensing Committee.	15 October 2010.
Consideration by Council.	8 December 2010.
Policy published.	13 December 2010
Policy effective from.	7 January 2011.

6. Financial Appraisal:

There are no additional financial implications to this report.

7. Environmental Implications:

The Environmental Implications Checklist has been completed. Adoption of the new Licensing Policy will have a positive impact within the District.

8. Risk Management:

The following risks will arise if the recommendations are not implemented: The expiry of the Council's Licensing Policy and the concurrent inability to process licence applications. No new risks will arise if the recommendations are implemented.

9. Appendices:

- Appendix 1. Amended Statement of Licensing Policy.
- Appendix 2. Public Notice.
- Appendix 3. Response to consultation documentation.