

Agenda Item No: 7

Report No: 185/07

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

Report To: Licensing Committee **Date:** 9 October 2007

Lead Councillor: Councillor E N Collict

Wards(s) Affected: All

Report By: Director of Planning and Environmental Services

Contact Officers: Mark Wiltshire (Environmental Health Manager)
Garry Clark (Licensing Officer)

Purpose of Report:

To consider the responses to the draft Statement of Licensing Policy after public consultation.

Officers Recommendation:

1. That the Licensing Committee receives and considers the comments arising from the public consultation exercise of the draft Statement of Licensing Policy.
 2. That the Licensing Committee recommends to Council the adoption of the draft Statement of Licensing Policy.
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1. Reasons for Recommendations

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

2. Information

- 2.1. The Licensing Act 2003 requires the Licensing Authority (for the purpose of this report, the Lewes District Council) to prepare for a three year period a Statement of Licensing Policy for their area.
- 2.2. The first Statement of Licensing Policy was approved by this Council and came into effect on the 7 January 2005 (Appendix 1).

- 2.3. As required by the legislation, and in accordance with the guidance issued by the Secretary of State under section 182 of the Act, the Council is required to consult upon, and prepare a Statement of Licensing Policy for a further three year period. In accordance with the statutory time requirement, the revised policy must be in force with effect from the 7 January 2008.
- 2.4. A revised version of the Guidance to be issued by the Secretary of State has been produced by the Department of Culture Media and Sport in consultation with a wide range of stakeholders including Local Authorities, the Police, and industry and interest groups.
- 2.5. The Statement of Licensing Policy should be regarded as a local framework for decision making when considering applications for Licence or Variation to Licence, as the Licensing Committee and its Sub-Committees are required to have due regard to this when forming a decision.
- 2.6. Once published the Statement of Licensing Policy shall (subject to any further reviews and consultation) be in force for a further period of three years (i.e. to 7 January 2011).

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 in regards our Policy, there are therefore no drivers for change arising from these experiences.
- 3.2. However, having regard to the draft Guidance, and our experiences as a Licensing Authority over the previous two years, we have considered the need to change, amend or vary the existing Licensing Policy Statement.
- 3.3. A draft Statement of Licensing Policy (Appendix 2) is attached to this report, and illustrates in *italic* text the amendments proposed for consultation and has already been received and considered by the Committee on 26th June 2007.

4. Consultation

- 4.1. The scope of consultation is provided for in the Secretary of States Guidance to Licensing Authorities. We have consulted with all other responsible authorities, the trade, local advisors, and public interested groups, and have provided an on-line consultation facility available for the public, residents and businesses. A full list of the consultees and letter highlighting the proposed changes are attached (Appendix 3).

- 4.2. We have also placed a public notice in the Sussex Express dated 27th July 2007, the notice as published is attached (Appendix 4).
- 4.3 The consultation period commenced on 16th July 2007 and was concluded on 21st September 2007.
- 4.4 We have received a total of four responses to the formal consultation during the relevant period and a Schedule of responses together with the relevant documents are attached (Appendix 5).
- 4.5 One consultation response invites the Council to consider making an explicit condition relating to premises contributing to the removal of litter. The Committee will be aware that this is a matter that can be conditioned by a Sub-Committee under the Licensing Objective to prevent public nuisance, and accordingly it is not recommended to make any further amendment to the draft Statement of Licensing Policy in this regard.
- 4.6 The Council has also received a written response from the British Beer and Pub Association (BBPA). The BBPA welcomes the Council's positive approach to the licensing of the sale of alcohol and the provision of regulated entertainment. The BBPA have made no objections or comments in respect of the draft statement which was subject to consultation but has made observations in respect of matters that the BBPA would wish to object to, should the Committee seek to change the draft Statement of Licensing Policy.
- 4.7 One further acknowledgement from the trade, and one from Telscombe Town Council have been received.

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 legal implementation of the new Statement of Licensing Policy.

Consideration by Council	4 December 2007
Publication of Policy	7 December 2007
Policy effective from	7 January 2008

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 on levels of noise pollution 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 – Statement of Licensing Policy
(approved by Council 7 January 2005)

Appendix 2 – Draft revised Statement of Licensing Policy

Appendix 3 – List of consultees and letter highlighting changes

Appendix 4 - Public Notice

Appendix 5 - Schedule of response and relevant documents