

## FOR DECISION BY COUNCIL

# Gloucester City Council

<b>COMMITTEE</b>	<b>: LICENSING &amp; ENFORCEMENT COMMITTEE COUNCIL</b>
<b>DATE</b>	<b>: 12 OCTOBER 2010 25 NOVEMBER 2010</b>
<b>SUBJECT</b>	<b>: REVISED LICENSING POLICY STATEMENT - LICENSING ACT 2003</b>
<b>DECISION TYPE</b>	<b>: BPF</b>
<b>WARD</b>	<b>: ALL</b>
<b>REPORT BY</b>	<b>: FOOD SAFETY &amp; LICENSING SERVICES MANAGER</b>
<b>NO. OF APPENDICES</b>	<b>: A: DRAFT REVISED LICENSING POLICY STATEMENT B: CONSULTEES C: FORMAL WRITTEN RESPONSES</b>
<b>REFERENCE NO.</b>	<b>: ES21005A</b>

### 1.0 PURPOSE OF REPORT

- 1.1 To present to Members the result of the consultation on the Draft Revised Licensing Policy Statement.
- 1.2 To agree a final draft version of the Licensing Policy Statement for adoption by Council at the meeting on 25 November 2010.

### 2.0 RECOMMENDATIONS

- 2.1 That the Draft Revised Licensing Policy Statement and consultation feedback be noted by Members and that the Licensing Policy Statement be recommended for approval and adoption by Council and either:
  - (a) Retain the special policy for Eastgate Street area
  - (b) Vary the area covered by the special policy
  - (c) Remove the special policy

### 3.0 BACKGROUND

- 3.1 The Licensing Act 2003 requires that the Council produce, consult on and publish a Policy Statement that sets out the policies that the Licensing Authority will apply in exercising its functions under the Licensing Act 2003.
- 3.2 Section 5 of the Act also requires that the Statement should be kept under review and must be re-published at least every three years.

3.3 Gloucester City Council published its existing Licensing Policy Statement to take effect from 7 January 2008.

3.4 The Statement is now due to be reviewed and the new Statement will need to be published to take effect from 7 January 2011.

#### **4.0 PROGRESS**

4.1 Attached at Appendix A is a copy of the draft revised Licensing Policy Statement including any amendments detailed below.

4.2 The consultation ran from 16 June 2010 until 17 September 2010.

4.3 A list of consultees is attached at Appendix B.

4.4 In addition the consultation was published on the Council's website, a press release was published in the Citizen and copies of the Draft Policy together with explanatory notes and feedback forms were placed in the City libraries.

4.5 In total four formal written responses were made and these are attached at Appendix C, summarised thus:-

##### C1 Response from Butlers Bar, Eastgate Street, Gloucester

The comments deal largely with the 'special policy' and are supportive of keeping this policy in place. The point is made that should the special policy be removed the area could become more attractive to the larger national operators who have the capacity to heavily discount the cost of drinks and the propensity to start a price war. The point is also made that the current licensed venues have and are continuing to work with the various agencies to help combat anti-social behaviour and crime and disorder so the current status quo should be preserved.

##### C2 Response from the British Institute of Innkeepers on behalf of the British Beer and Pub Association

Following this initial response no further comments were made.

##### C3 Response from the Association of Convenience Stores

This document is a general response which was sent to all those Licensing Authorities who included them in as a consultee. There is nothing in this document which relates specifically to our Licensing Policy Statement and, in fact, some of the items mentioned here such as 'mandatory conditions', 'test purchasing' are beyond the remit of this Authority. It is suggested, therefore, that no amendments to our policy are required.

#### C4 Response from Gloucestershire Constabulary

The Police have made some interesting comments concerning statements of intent which are made in the policy but which have not seemingly come to any fruition. These concern conditions on licences and a workable integrated transportation policy.

The situation regarding the Eastgate Street area and the special policy has been addressed and the information provided by the Police would suggest that there has been little real improvement in the level of crime engendered by the late night premises in the area so the proposal is that the special policy should be retained.

4.6 There was some other feedback concerning issues to do with wording and clarification and these are included as suggested amendments below:-

- One respondent advised that (para 3.6 page 10 of the Policy refers) the correct name for the S.I.A. was the Security Industry Authority and not 'Industries' as printed. This is accepted.
- The Health and Safety Executive advised that their contact telephone number has changed from a Bristol to a Cardiff one (02920 263000).
- It was mentioned by a Member at the earlier meeting of the Licensing and Enforcement Meeting on 15 June 2010 that the wording at para 9.3 page 22 concerning Temporary Event Notices was confusing. It is suggested that the following is added to that paragraph:-

'This means that day one will be the first working day following the day when the Temporary Event Notice is given to the Licensing Authority and the tenth working day must not be later than the day before the event is due to take place.'

4.7 Members are reminded that the effect of adopting a special policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

4.8 A special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the Licensing Authority must grant the licence in terms that are consistent with the operating schedule as submitted.

4.9 The absence of a special policy does not prevent any responsible authority or interested party from making a representation on the grounds that the premises may give rise to a negative cumulative impact on one or more of the licensing objectives.

## **5.0 FUTURE WORK**

- 5.1 The Council must publish its Licensing Policy Statement prior to 7 January 2011 so that it may be effective from that date.
- 5.2 The next revision of this Policy will be undertaken no later than the autumn of 2013 unless statutory requirements are subsequently amended.

## **6.0 CONCLUSIONS**

- 6.1 The Draft Licensing Policy Statement has been widely consulted upon and the feedback is contained within this report. Apart from minor amendments already made to the draft document Members must decide whether they wish for any other amendments to be made before the final version is approved by Full Council.
- 6.2 Members are referred to the recommendations at paragraph 2.0 in the report.
- 6.3 The Council will need to approve and publish the Licensing Policy Statement no later than 7 January 2011 and will therefore need to agree the revised Statement at Full Council on 25 November 2010.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The recommendations have no impact on the Council's budgets.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The legal implications are adequately dealt with in the main body of the report.

## **9.0 RISK MANAGEMENT IMPLICATIONS**

- 9.1 The risk management implications for this report and Licensing Policy Statement are as follows:-

- Licensing Policy Statement unfair or too prescriptive.
- Revised Licensing Policy Statement not published on time (by 7 January 2011).
- Consultation inadequate.

- 9.2 The risks identified above are all low due to the actions / risk responses taken.

## **10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION**

- 10.1 A full predictive impact assessment has not been undertaken for this report and the Licensing Policy Statement as they will not have an impact on customers and staff. This is a general document which sets out how licensing decisions under the Licensing Act 2003 will be made in Gloucester. The document follows legislative procedure and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

## 11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

None

2. Environmental

None

3. Staffing

None

4. Trade Union

No comments.

- Background Papers** : Licensing Act 2003  
LACORS Draft Best Practice Framework for the Review of  
Licensing Policy Statements
- Published Papers** : Licensing Act 2003  
Secretary of State's Guidance issued under Section 182 of  
the Licensing Act 2003 ( March 2010 )  
HM Government Code of Practice on Consultation
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