

INTERNAL BRIEFING PAPER

Licensing Act 2003 - Review of Statement of Licensing Policy

For: Members of Regulatory and Licensing Committee

Date: 25 September 2013

KEY FACTS

- **Status:** To advise Members that consultation is shortly to be undertaken on the revised Statement of Licensing Policy 2014-19.
- **Purpose:** Responses from the consultation will then be incorporated into the draft Policy and presented to Members at their next meeting on 28 November 2013 for approval prior to ratification required by Council.

BACKGROUND

- The Licensing Act 2003 requires that Lichfield District Council prepare and publish a statement of licensing policy at least every 5 years. Previously, policies were determined for each 3 year period.
- Prior to determining our current policy which expires on 7th January 2014, it was subject to a consultation process that sought the views of those authorities and representative bodies prescribed under Section 5(3) of the Act including elected members, existing licence holders, persons or bodies representing businesses and residents in the area and other responsible authorities such as Staffordshire Police and the Fire Authority.
- The same consultation process is once again necessary before the policy can be revised and republished.
- **Saturation Policy** - As a result of the consultation process undertaken on our previous policies, Staffordshire Police made a formal request to the Licensing Authority for it to consider and declare a 'cumulative impact' area in Bird Street in Lichfield city centre, which was later extended to also include Market Street.

'Cumulative impact' means the potential impact on the promotion of the four licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance in a town centre from a large concentration of licensed premises.

Subsequently a saturation policy was adopted by the Council and is attached as an appendix to the current policy and is also subject to review.

ISSUES

Over the past couple of years subsequent changes have been introduced to the Licensing Act 2003 via the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012. Following advice from the Home Office, the draft policy will be based on the law as it currently stands rather than attempting to pre-empt any further changes.

FUTURE ACTIONS

Individual Members of the Committee will be emailed the draft policy when the consultation period begins in order to seek their views and feedback.

RISK

Due to the extended period of time in which the licensing policy will be in effect (up from 3 years to 5 years) there is a risk the policy will quickly become out of date following further legislative changes.

Where there is change and/or revisions to the Section 182 Guidance issued by the Secretary of State, it will be for the licensing authority to determine whether, in light of the extent of the changes, revisions to its own licensing policy statement are deemed appropriate at that time.

KEY BENEFITS & OUTCOMES

- The policy details the general principles that the Council, as Licensing Authority, will take into account in order to promote the licensing objectives when making licensing decisions and will provide clarity for licensing applicants and residents.
- When submitting licence applications, applicants will have to consider the policy and show how they will help the Licensing Authority to achieve the Government's four licensing objectives of:
 - ❖ the prevention of crime and disorder;
 - ❖ public safety;
 - ❖ prevention of public nuisance; and the
 - ❖ protection of children from harm.

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