

Item No. 5.	Classification: Open	Date: 06/10/04	MEETING NAME Environment & Community Support Scrutiny Sub-Committee
Report title:		Licensing Act 2003 – Consultation On the Licensing Statement of Policy	
Ward(s) or groups affected:		All	
From:		Director of Environment and Leisure	

1. RECOMMENDATION

- 2 That the Environment and Community Safety Scrutiny Sub-Committee
- (a) Receives this report;
 - (b) Receives representations on the Policy from bodies to be confirmed; and
 - (c) Consider whether it wishes to submit any formal observations as part of the ongoing consultation exercise on the Draft Statement of Licensing Policy as appended to this report.

3 BACKGROUND

- 4 On 15 July 2004 the Environment and Community Safety Scrutiny Sub-Committee received a report detailing preparations for the implementation of the Licensing Act 2003 and the formulation of the Council's Statement of Licensing Policy under the Act.
- 5 The Sub-Committee directed that the progress of the preparations of the Statement of Policy should be reported back to it mid-consultation. Additionally, the Sub-Committee asked that opportunity be offered to a range of trades representative organisations to send local representatives to attend that same meeting of the Sub-Committee to make their representations on the draft policy in person.

6 THE STATEMENT OF LICENSING POLICY

7 The Statement of Licensing Policy

- 8 Under the Licensing Act 2003 each licensing authority is required to approve and publish its Statement of Licensing Policy prior to determining any applications under the new licensing regime. The Statement of Licensing Policy is intended under the Act to become the basis for all future licensing decisions to be made by the licensing authority. The Statement of Policy is directed to be compiled with reference to the Licensing Act 2003 and the complementary Guidance to the Act issued by the Department of Culture Media and Sport in July 2004. Further Guidance on formulating the Policy was issued by the Local Authority Co-Ordinating Body for Regulatory Services (LACORS). Each Policy is also required to be formulated having regard to consultation and to be reviewed every three years.

- 9 While it was for each licensing authority to determine the extent of consultation undertaken, each licensing authority's consultation had to include the Police, the Fire Authority, representatives of local licensees; and representatives of local business and residents.
- 10 Consultation undertaken by this Council was devised by the Licensing Service, in conjunction with the Corporate Communications Service, the Publicity Office, Community Involvement and Development Unit and Southwark Alliance for Voluntary Organisations (SAVO). The consultation undertaken has extended beyond that specified under the Act.
- 11 A copy of the document entitled "A Brief Introduction to the Licensing Act 2003", together with a copy of the Draft Statement of Licensing Policy prepared for the purposes of consultation and the formal consultation response form are appended to this report as appendices A, B and C respectively.

12 Consultation Arrangements

- 13 The Council's formal public consultation on the Licensing Statement of Policy commenced on 1 September 2004 and runs for just over six weeks through to 15 October 2004.
- 14 The consultation was launched with adverts in the South London Press and Southwark News; a flyer in the September SAVO newsletter; alerts in the Southwark internal bulletins; and information on the Licensing web site. A reminder is set to appear in Southwark Life at the beginning of October.
- 15 Correspondence was sent directly to all responsible authorities named under the Act; all current Justices, Public Entertainment and Night Café Licence holders; all community representative bodies known to the Council's Community Involvement and Development Unit and Housing Department and various other interested bodies.
- 16 Two days of presentations to the licensed trades were held at the Council's Learning and Development Centre at Cator Street on 6th / 7th September 2004.
- 17 Arrangements were made for the consultation to appear as an item on the agenda of each the Council's eight Community Councils through the consultation period. Outreach workers with SAVO were briefed on the intentions behind the consultation and have used their contacts to urge known representative organisations to attend their relevant Community Councils.
- 18 The matter has also featured at opportune one-off occasions such as the Southwark Learning Fair and the Bankside Information Day.
- 19 A final round-up meeting is to be held at Southwark Town Hall on the morning of Saturday 9 October 2004 commencing at 10.00.a.m.

Consultation Issues.

21 At the time of writing of this report the consultation remains in its early stages. One to one meetings with individual responsible authorities and other relevant Council Departments and interested bodies continue. Issues developing through the consultation process will be reported orally at the meeting.

22 Post Consultation

23 After consultation closes on 15 October 2004, there will be a short period to the end of the month for analysis of consultation responses and appropriate amendment of the draft policy. This revised document will be discussed with the Executive Member for Environment & Transport and considered by the Licensing Committee on 11 November 2004. The document will then be considered by Standards Committee on 18 November 2004 and finally go to Council Assembly on 8 December 2004 for approval.

24 The Council's final Statement of Licensing Policy is required to be published, at the latest, by 7 January 2005. This allows prospective applicants exactly one month to consider the Policy document before the "first appointed date" under the Act, upon which applications for licences under the Licensing Act 2003 may be made to the Council.

25 All licences issued by the Council under the nine months of transitional arrangements commencing 7 February 2005 come into force on the "second appointed date" anticipated to be as yet unspecified date in November 2005.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
<p>The Licensing Act 2003</p> <p>The DCMS Draft Guidance to the Act</p> <p>Draft Secondary Regulations</p>	<p>The Licensing Service, C/O Environmental Health and Trading Standards, Environment and Leisure Department, The Chaplin Centre, Thurlow Street, London, SE17 2DG</p>	<p>Richard Parkins Tel: 020 7525 5767</p>

Lead Officer	Gill Davies, Strategic Director of Environment & Leisure	
Report Author	Richard Parkins, Licensing Service Manager	
Version	Final	
Dated	27 September 2004	
Key Decision?	Yes	
Consultation with Other Officers / Directorates / Executive Member		
Officer title	Comments Sought	Comments Included
Borough Solicitor and Secretary	Yes	No
Chief Finance Officer	No	No