

DRAFT STATEMENT OF LICENSING POLICY

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members approval of the Draft Statement of Licensing Policy in order that it may be presented to Council for approval on 17 December 2007.

2.0 BACKGROUND

2.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy every three years.

2.2 The Council's Statement of Licensing Policy was first published in January 2005 and must therefore now be reviewed and published no later than January 2008.

2.3 The current statement of Licensing Policy has been circulated to the following consultees for their comments to assist in the review of the policy.

- The Chief Officer of Merseyside Police
- The Chief Fire Officer
- The Chief Officer of Mersey Regional Ambulance Service
- The Director of Technical Services
- Local Safe Guarding Children Board
- Wirral Trading Standards
- Environmental Health (Health & Safety and Pollution Control)
- Residents of Wirral, through random selection and Local Area Forums
- National Breweries who have premises located in Wirral
- Jazz Services Limited
- British Beer & Pub Assn, North West Region
- Theatrical Management Assn
- Musicians Union
- Guild of Master Victuallers
- Federation of Licensed Victuallers Associations
- Working Men's Club & Institute Union
- Cinema Exhibitors Association
- Business in Sports & Leisure
- British Retail Consortium
- British Institute of Innkeeping
- Bar, Entertainment and Dance Association
- Association of Licensed Multiple Retailers

2.4 Notification of the review was published in the co-ordinator's reports to the Area Forums during September and October and it was also published on the Council's Website.

- 2.5 The consultation period began on 21 August 2007 and closes on 17 November 2007. To date one response has been received from Bargain Booze Limited. A copy of this response is attached in Appendix 2.
- 2.6 The comments received from Bargain Booze Limited relate to the Licence Holder's responsibility for behaviour 'in the vicinity' of licensed premises and suggest that due to the subjectivity of the term that this reference be removed from the Policy. *Note* – This reference referred to by Bargain Booze Limited was in paragraph 1.9 but is now contained in 4.8 of the revised draft policy. This reference has been retained but amended for the following reasons.
- 2.7 Paragraph 13.16 of the Guidance issued under Section 182 of the Licensing Act 2003 (the Guidance) states that:
- Statements of policies should make it clear that:
- the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 2.8 Paragraph 13.17 of the Guidance further states that:
- Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.9 It is considered therefore appropriate to retain this reference within Wirral's Statement of Licensing Policy. In view of the comments received from Bargain Booze Limited an additional statement has been included in the policy in accordance with paragraph 13.17 of the Guidance.
- 2.10 Any further comments received before the close of the consultation period will be presented at the meeting.
- 2.11 The revised Draft Licensing Policy found in Appendix 1 has been prepared in accordance with the provisions of the 2003 Act and having regard to the revised Guidance issued under Section 182 published in June 2007 and taken into consideration changes in legislation.
- 2.12 The principle amendments to the policy are as follows:
- Further information is provided in respect of the four licensing objectives.
 - Reference to control of smoking in licensed premises where children are admitted has been removed.
 - The content order of the policy has been restructured.
- 3.0 **FINANCIAL IMPLICATIONS**
- 3.1 There are no financial implications arising out of this report.

4.0 STAFFING IMPLICATIONS

4.1 There are no staffing implications arising out of this report.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications arising out of this report.

6.0 COMMUNITY SAFETY IMPLICATIONS

6.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are no Local Agenda 21 implications arising out of this report.

8.0 PLANNING IMPLICATIONS

8.1 There are no planning implications arising out of this report.

9.0 ANTI-POVERTY IMPLICATIONS

9.1 There are no anti-poverty implications arising out of this report.

10.0 SOCIAL INCLUSION IMPLICATIONS

10.1 There are no social inclusion implications arising out of this report.

11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 The report affects the whole Borough.

12.0 BACKGROUND PAPERS

12.1 There are no background papers.

13.0 RECOMMENDATIONS

13.1 That the Draft Statement of Licensing Policy be approved as a Draft to be considered by Council on 17 December 2007 for approval as the Licensing Policy.

Alan Stennard
Director of Regeneration

This report was prepared by Margaret O'Donnell who can be contacted on 691 8606.