

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 13 December 2010.

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 was reviewed and published in December 2007. The Policy is now due to be reviewed and published no later than December 2010.

2.3 Amendments have been made to the current Statement of Licensing Policy in accordance with updated Guidance issued under Section 182 of the Licensing Act 2003 and a revised Best Practice Framework produced by the Local Authorities Coordinators for Regulatory Services (LACORS) now known as Local Government Regulation. Additional information is also provided relating to the Temporary Event Notice procedure and the Licence Review process and an appendix provides a list of useful contacts. The draft also takes account of changes in legislation, including: the smoking restrictions that apply to premises and the change that provides that Members may make representations or request that the Licensing Authority review a Premises Licence or Club Premises Certificate.

2.4 The Draft Statement of Licensing Policy attached in Appendix 1 has been circulated for consultation. The consultation has included:

- The Chief Officer of Merseyside Police
- The Chief Fire Officer
- The Chief Officer of Mersey Regional Ambulance Service
- The Director of Technical Services
- Local Safeguarding Children Board
- Wirral Trading Standards
- Environmental Health (Health & Safety and Pollution Control)
- Residents of Wirral, through random selection and Local Area Forums
- Equity
- British Beer & Pub Assn, North West Region
- Musicians Union
- Guild of Master Victuallers
- Federation of Licensed Victuallers Associations
- Cinema Exhibitors Association
- British Retail Consortium
- British Institute of Innkeeping

- Bar, Entertainment and Dance Association
- Association of Licensed Multiple Retailers
- Alison McGovern, Member of Parliament for Wirral South
- Wirral Chamber of Commerce
- Pub Watch
- Members of the Council

- 2.5 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.
- 2.6 The consultation period began on 4 August 2010 and closes on 1 November 2010. To date responses have been received from Equity, Merseyside Fire and Rescue Service, Alison McGovern, MP, Mrs Jackie Hall, Resident of Hoylake and Devonshire Park Residents Association.
- 2.7 Copies of the responses received are attached at Appendix 2.
- 2.8 A summary of the comments received that relate directly to the draft policy is shown in Table A below. A full response will be given to all those who have provided comments following consideration of the draft policy at full Council on 13 December 2010.

Table A

	Summary of Comments	Response to Comments
Merseyside Fire and Rescue Service	That all applicants complete a suitable and sufficient fire risk assessment.	The risk assessment relates to the likely impact of the application on the four licensing objectives. It would be a matter for the Fire Authority to make a requirement through a representation for a risk assessment to be undertaken.
Alison McGovern, MP	The policy should take into account local businesses as well as local residents being affected by customers of licensed premises.	The draft policy has been amended to take into consideration the comments made. The suggestions made are now incorporated into paragraphs 4.19 and 4.20 and for the purpose of this report are shown in bold type.
Equity	Requesting local authorities support for live entertainment in particular travelling entertainers, for example circuses.	Council land is licensed to accommodate circuses.

<p>Mrs Jackie Hall, Resident of Hoylake</p>	<p>Residents and Licence Holders do not want any more licences in Hoylake and a Cumulative impact policy should be in place in Hoylake.</p> <p>Premises in Hoylake should close at 12 midnight.</p>	<p>Consideration was given by this Committee on 28 September 2008, as to whether to amend the Licensing Policy to include a Special Cumulative Impact Policy for an area of Hoylake. At that time having considered the evidence presented it was resolved not to amend the Statement of Licensing Policy. It was further resolved that in the event that evidence is received from the Responsible Authorities to justify a Special Policy the matter should be referred back to this Committee. To date, no evidence has been brought forward by any of the Responsible Authorities. In response to this consultation no comments have been received from any of the Responsible Authorities in respect of the need to adopt a Cumulative Impact Policy in Hoylake.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to a cumulative impact policy. An extract from this guidance is available at Appendix 3.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to licensed hours. An extract from this guidance is available at Appendix 4.</p>
<p>Devonshire Park Residents Association</p>	<p>There are too many premises with licences which is having an impact on residential areas. A cumulative impact policy should be in place.</p>	<p>In response to this consultation no comments have been received from any of the Responsible Authorities in respect of the need to adopt a Cumulative Impact Policy</p>

	<p>Premises applying for a new licence should have the same hours as those who currently have a licence.</p>	<p>in this area.</p> <p>There are a number of steps to be followed in considering whether to adopt a special cumulative impact policy within the Licensing Policy. These steps are:</p> <ul style="list-style-type: none"> • Identify concern about crime and disorder or public nuisance • Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by customers of licensed premises or that the risk of cumulative impact is imminent. • Undertake consultation <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to a cumulative impact policy. An extract from this Guidance is available at Appendix 3.</p> <p>Guidance issued under Section 182 of the Licensing Act 2003 provides information in relation to licensed hours. An extract from this Guidance is available at Appendix 4.</p>
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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 The draft policy contains a clause (15.1) recognising the need to eliminate unlawful discrimination and promote equality of opportunities.

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 Section 10 of the draft policy refers to planning and building control issues and licensed premises.

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 13 December 2010 for approval as the Licensing Policy.

Bill Norman
Director of Law, HR and Asset Management

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