



Report No: **200/2010** Public Agenda Item: **Yes**

Title: **Licensing Act 2003 'Draft Statement of Principles 2011',
(Licensing Policy)**

Wards Affected: **All**

To: **Licensing Committee** On: **29 July 2010**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve

- 1.1 To inform Members of the content of the draft 'Licensing Policy', (*hereinafter referred to as the 'Statement of Principles 2011'*), which Torbay Council is required to review and publish every three years.
- 1.2 To give Members the opportunity to make comment on the draft 'Statement of Principles 2011' before it goes to a twelve week public consultation.

2. Recommendation(s) for decision

- 2.1 It is recommend that:

The draft 'Statement of Principles 2011' is agreed, for public consultation.

3. Key points and reasons for recommendations

- 3.1 The Licensing Act 2003 requires Torbay Council, as a Designated Licensing Authority, to review and publish a 'Statement of Principles' (*the Licensing Policy*), every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act.
- 3.2 In accordance with that requirement, the Council is reviewing its current Policy and has prepared a draft 'Statement of Principles 2011'. This draft has already undergone informal consultation with the Responsible Authorities and therefore includes their recommended changes, as well as recommendations of Officers from Torbay Council.

- 3.3 This draft 'Statement of Principles 2011' will be a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), will be formally invited to do so.
- 3.4 Upon completion of the statutory consultation period, the Council will consider any Representations which may have been made and if necessary, amend the draft 'Statement of Principles 2011' to incorporate the relevant changes.
- 3.5 Approval of the finalised 'Statement of Principles 2011' is a Full Council decision and a report on the draft 'Statement of Principles 2011' will be presented to Full Council for consideration on 9th December 2010.

For more detailed information on this proposal please refer to the supporting information.

**Frances Hughes
Executive Head Community Safety**

Supporting information to Report 200/2010

A1. Introduction and history

- A1.1 The Licensing Act 2003 requires Torbay Council, as a Designated Licensing Authority, to review and publish a 'Statement of Principles' (*the Licensing Policy*), every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act. This is the third 'Statement of Principles' and will replace the existing 'Statement of Principles', which expires on the 7th January 2011.
- A1.2 In accordance with that requirement, the Council is reviewing its current policy and has prepared a draft 'Statement of Principles 2011'. This draft has already undergone informal consultation with the Responsible Authorities and therefore includes their recommended changes as well as recommendations of Officers from Torbay Council.
- A1.3 The changes from the existing 'Licensing Policy 2008 - 2011' are highlighted. There is one change to the delegated powers, now found in Appendix two. This delegates to Officers, all decisions on Minor Variations and this is in line with the Guidance issued under Section 182 of the Licensing Act 2003, paragraph 8.52.
- A1.4 The Police have requested that the Cumulative Impact Area is not altered, as although there have been improvements in the number of crimes, they are still significantly higher than the surrounding areas.
- A1.5 This draft 'Statement of Principles 2011' will be a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a representation or comment upon the draft statement (including Elected Members), will be formally invited to do so.
- A1.6 Upon completion of the statutory consultation period, the Council will consider any representations which may have been made and if necessary, amend the draft 'Statement of Principles 2011' to incorporate the relevant changes..
- A1.7 Approval of the finalised 'Statement of Principles 2011' is a Full Council decision and a report on the draft 'Statement of Principles 2011' will be presented to Full Council for consideration on 9th December 2010.
- A1.8 This draft 'Statement of Principles 2011' will be considered and commented upon by Philip Kolvin QC, before being considered by Full Council.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report, as this is a draft document for public consultation. However, it is important that a draft Statement of Principles amended or not, is agreed for consultation. Failure to do so would mean that Torbay Council would be unlikely to meet its statutory obligation and may find itself without a Licensing Policy so potentially undermining the decision making process.

A3. Options

- A3.1 To agree the 'Statement of Principles 2011'
- To agree an amended 'Statement of Principles 2011'
- To refuse to agree the 'Statement of Principles 2011'

A4. Summary of resource implications

- A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Licensing Act 2003.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 There are no equalities or environmental sustainability implications. However one of the Licensing Act 2003 Licensing Objectives is "Prevention of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

- A6.1 There is a 12 week public consultation on the draft 'Statement of Principles 2011', during August to October 2010.

A7. Are there any implications for other Business Units?

- A7.1 There are no significant implications for other business units relating to this report.

Appendices

Appendix 1 Draft 'Statement of Principles 2011'

Appendix 2 Police data regarding Cumulative Impact Area

Documents available in members' rooms: None, however all three documents are available on line at the available websites.

- 1 www.opsi.gov.uk
- 2 www.dcms.gov.uk
- 3 www.torbay.gov.uk

Background Papers:

The following resources and documents were used to compile this report:

- 1 Licensing Act 2003.
- 2 Guidance to Licensing Authorities: 3rd Edition issued March 2010
- 3 Torbay Council Licensing Policy 2008 ~ 2011.