

Name of meeting and date: licensing & Safety Committee 16th September 2010

Title of report: Revised Licensing Policy Statement

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Not Applicable
Cabinet member portfolio	Regeneration, Environment & Transportation

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 SUMMARY

1.1 This report presents the draft copy, of Kirklees Council's reviewed Licensing Policy Statement to the committee as part of the formal twelve week consultation exercise. The Secretary of State requires all Licensing Policies to be reviewed every three years, in accordance with the SOS guidance. The DCMS has confirmed this policy should be reviewed and re-published by and take effect on 7th January 2011.

2 INTRODUCTION

2.1 The Licensing Act 2003, requires each Authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- Prevention of crime and disorder.
- Prevention of Public Nuisance.
- Public Safety
- Protection of Children from Harm.

2.2 To achieve these objectives, the Authority is required to publish a Statement of Licensing Policy every three years and set out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

3.0 PURPOSE OF THE LICENSING POLICY

3.1 The Licensing Policy Statement provides transparency for everyone, including local residents and applicants for licences, who will be able to refer to the statement when making representations or when preparing their applications.

3.2 It is recommended that it should also describe how the licensing authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the night time economy.

3.3 Licensing policy statements should avoid duplicating other requirements. For example, health & safety regulations, which already place a range of general duties on employers and venue operators.

3.4 The Draft Policy must be considered and agreed by the Licensing & Safety Committee before going to Full Council.

4 THE ISSUES

4.1 The policy document attached (Appendix One) will be circulated widely to stakeholders throughout the Kirklees district, and to numerous national representative bodies and organisations, with a closing date for comments of 26 November 2010. A copy is also posted on the Council's website.

4.2 The draft policy is based on a Best practice Framework issued by the Local Authorities Coordinators of Regulatory Services (LACORS). Under Section 5 of the Licensing Act 2003 the Secretary of State may make regulations governing the determination and revision of policies and the preparation and publication of policy statements.

The Licensing Authority will give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give particular representations, the factors to be taken into account should include:

- Who is making the representations (what is their expertise or interest);
- Relevance of the factors to the licensing objectives;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its policy statement.

4.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some (if any) have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the policy.

5 PROPOSED ACTION

5.1 The Council is requested to thoroughly review and consider the draft policy

6 RESOURCE IMPLICATIONS

6.1 There are no specific resource implications in respect of the licensing Policy.

7 LEGAL IMPLICATIONS

7.1 The Licensing Act 2003 requires the Authority to review the Statement of Licensing Policy, to consult in respect of the policy and to have discussed and formally adopted, published, advertised and implemented the policy by 7 January 2011.

8 HUMAN RIGHTS

8.1 There are no human rights issues specific to the Licensing Policy providing the Authority can demonstrate best practice and compliance with national guidance in the production of the policy.

9 RECOMMENDATIONS

9.1 The Full Council will be recommended to adopt the Policy as its Policy for the next three years after consideration by the Licensing & Safety Committee subject to any amendments following the twelve week consultation.

Background Papers:

Guidance issued by the Secretary of State on 30th march 2010.

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