
**Joanne Waller, Head of Environment, Health and Consumer
Protection**

Purpose of the Report

- 1 This report seeks member approval of the draft Statement of Licensing Policy, and to recommend a draft version of the policy for adoption by Council.

Background

2. The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every three years (as from 7 Jan 2005). The policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate. The current Statement of Licensing Policy for Durham County Council was adopted on 1st April 2009.
3. The policy fulfils two principal purposes; firstly it provides advice to businesses and the public on the Council's overall position with regards to the Licensing Act 2003. Secondly, it provides a decision making framework for the Council via its Licensing Committee to exercise its quasi judicial functions under the Act, as such, the Policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities. Failure to achieve the correct balance could lead to a policy being either overly prescriptive and open to challenge, or alternatively, ineffective in the protection of local residents or through a failure to promote the licensing objectives effectively.
4. The revised statement of licensing policy must be adopted and published by the Council before 7th January 2011.
5. A draft revised policy was produced by Officers and incorporated new and amended legislation, guidance and reflected good practice.

Consultation

6. Between 9th July and 1st October 2010 the draft Statement of Licensing Policy was the subject of broad consultation. In addition to the statutory consultees, many other individuals, agencies and organisations considered to be affected by the policy were identified and their comments invited. In accordance with the Governments Code of Practice on Consultation, 12 weeks were allocated for the consultation and for the return of responses.
7. The draft revised policy was widely advertised in the local and regional press. It also appeared the Council's website, where e-mail responses were invited.

8. At the culmination of the consultation exercise 11 responses had been received and a summary of comments received is attached at Appendix 1

Conclusion

9. Responses to the consultation have not resulted in any significant changes to the draft policy and only minor amendments have been made in light of the comments received. A copy of the final draft revised policy is attached in Appendix 2.

Recommendations

10. That consideration is given to the summary of consultation responses and content of the final draft statement of licensing policy.
11. That the final draft statement of licensing policy be recommended to Council for adoption.

Background Reading

Draft revised Licensing Policy – Durham County Council
Licensing Act 2003
Revised Guidance issued under Section 182 of the Licensing Act 2003

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Implications

Legal

The statement of licensing policy must be right. If an appeal concludes it is deficient, Magistrates can declare it illegal. Matters already concluded or ongoing will be lost as the decisions were based on a defective document. Furthermore, a licensing policy can be subject to a judicial review

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets.

The report has no value for money implications.

Staffing

None

Equality and Diversity

A Diversity Impact Assessment (DIA) was carried out in the planning stages of this consultation.

Accommodation

None

Crime and disorder

The Council's licensing policy forms a central part of the control and regulation of the evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Sustainability

None

Human rights

None

Localities and Rurality

None

Young people

None

Health

None