

Title of Report:	Local Licensing Policy – Establishment of Working Party	Item 4
Report to be considered by:	Licensing Committee	

Purpose of Report:

To consider establishing a member and officer working party to draft the Local Licensing Policy for West Berkshire.

Recommended Action:

That such a working party be established and that the first meeting be held following the Licensing Committee meeting of Tuesday, 1 June 2004.

List of other options considered:

n/a

Key background documentation:

- DCMS – Draft Guidance issued under Section 182 of the Licensing Act 2003.

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1. Background

- 1.1 An important cornerstone of the Licensing Act 2003 is the requirement for each licensing authority to draw up a local licensing policy. Section 5 of the Act says that this Council like all others will need to determine its policy and, following extensive consultation, publish it. We will also need to review the policy at least once every three years. Members of this Committee will already be fully familiar with the various aspects linked to the introduction of the Act. In particular, there is still no formal declaration from Central Government when the transition phase between the old and the new licensing schemes will begin. However, this Council's policy will need to be finalised, consulted upon and published before the start of the transition process. Again Members will be aware from recent training events of the speculative dates currently in circulation. Based on current information, the start of the transition process will be January 2005. However speculation on the date remains active, most notably in relation to this date and the publication of secondary legislation.
- 1.2 In planning its local licensing policy, the Council will need to consult widely. The Act lists who the Council must consult including the Police, the local fire authority, people who represent holders of premises and personal licences and club premises certificates. It also includes representatives of local businesses and residents. Schedule 8 of the Act sets out the transitional arrangements requiring the Council to consult with representatives of those licensed under the existing regime.
- 1.3 As well as establishing the policy for the first time, the Act says the Council will have to keep it under review. Any revisions will necessitate a further round of consultation before the revised version is published.
- 1.4 Finally on the legal background, the Secretary of State has powers to make regulations about the formation of licensing policy and the publication of licensing statements. There are no indications any such regulations will be published to date.

2. Local Licensing Policy Formulation.

- 2.1 Since the publication of the original bill which later became the Licensing Act, Central Government has published various draft guidance documents. These drafts included the subject of local licensing policy formulation. Using these drafts in combination with various other sources, officers began to construct the framework of a local policy. Several ad hoc meetings were held, some involving members between officers and key stakeholders. However that process was hampered by continuing delays in the final form of the guidance and the lack of secondary legislation, some of which has a bearing on this area. Whilst some good ideas were assembled the lack of certainty prevented this coming to committee and prevented consultation with the trade and residents.
- 2.2 In March 2004, the Government laid before Parliament the latest version of the national guidance. Subject to approval of Parliament beginning in late May 2004, this will be the final version. Many members of this committee will be aware of this current version from recent training sessions. They will also be aware of the pressing need to actively prepare a local licensing policy based on this guidance notwithstanding its final approval by Parliament.
- 2.3 Various options for taking this forward have been considered by members and officers. The most effective avenue is considered to be the formation of an officer and member working group. It is this option which is recommended by this report. Naturally if members wish to consider other ways of tackling this, then officers will be able to give appropriate advice.

Appendices

None

Implications

Policy:	No implications at this stage. The recommendation by definition involves formulating policy for the first time.
Financial:	None
Personnel:	None
Legal:	This report sets out the legal background to local licensing policy formulation.
Environmental:	None directly but, given the objectives of the Licensing Act, a good policy will ultimately have a direct bearing on environmental factors, for instance antisocial behaviour and noise.
Equalities:	None directly but again, this will ultimately become an integral part of the final policy.
Partnering:	None at this stage. However it is anticipated that the subsequent work of the working party will quickly involve partnership working with a wide range of bodies.
Property:	None at this stage. However, in its non-regulatory role there are implications to WBC as potential future licensees under the act. In the longer term, any local licensing policy will affect property aspects within the Council.

Consultation Responses

Local Stakeholders:	Various officers within WBC have been consulted in the past on earlier, drafts of policy frameworks. These consultations also included other partners such as the Police and Fire services. It is anticipated that similar consultation will recommence as part of the working party's work.
Trade Union:	N/A