

Meeting:	LICENSING AND GENERAL PURPOSES COMMITTEE
Date:	27 SEPTEMBER 2007
Subject:	REVIEW OF THE LICENSING POLICY
Key Decision: (Executive-side only)	N/A
Responsible Officer:	Andrew Trehern, Executive Director, Community and Environment
Portfolio Holder:	Cllr Susan Hall, Environment Services Portfolio Holder
Exempt:	No
Enclosures:	1. Licensing Policy 2. Consultation Replies

Section 1 – Summary and Recommendations

This Report sets out the procedure followed and outcome in reviewing the existing Licensing Policy in complying with the statutory duty on the Council as the Licensing Authority to review the Licensing Policy every three years.

Recommendations:

The Committee is requested to:

1. Consider responses to the Draft Licensing Policy
2. Refer the Policy to Full Council for approval.

Reason: (For recommendation)

There is a statutory duty on the Council as the Licensing Authority to review the Licensing Policy every three years. In order for the Council to continue to administer the Licensing regime Full Council must approve the revised Policy by 6 December 2007 in order to comply with our statutory obligations.

Section 2 – Report

2.0 Background

- 2.1 The Licensing Policy establishes the basis for applications under the Act and how these will be determined by the authority. Hence the Policy must be in place and approved prior to the commencement of applications to the licensing authority or applications can not be made or considered.
- 2.2 The Policy is approved for a three-year period and must be kept under review during this period. The existing Policy was approved by the Council on 6 January 2005 and expires on 5 January 2008.
- 2.3 In drawing together its Licensing Policy the authority has to:
- Comply with the requirements of the Licensing Act.
 - Have regard to the Statutory Guidance issued to authorities by the Secretary of State under Section 182 of the Act.
 - Consider responses made to the Draft Policy as a part of the consultation
- 2.4 The Statutory Guidance was issued in late July 2004 and has since been revised. Consultees included statutory organisations such as the Metropolitan Police, London Fire and Emergency Planning Authority, Area Child Protection Committee, Harrow Licensing Justices and Harrow Primary Care Trust. Additionally the occupiers of all premises likely to require licensing, residents' representatives including Residents' Associations, Ward Councillors, plus those groups and persons who have taken an interest in licensing matters.
- 2.5 During the Consultation period, a public forum was organised at the Civic Centre for all interested parties to attend to discuss the proposed changes to the existing Policy, attended by Industry Solicitors, Police Officers, local businesses and representative s from Residents' Associations. The attendees were in agreement that the proposed changes would improve the quality of the application process and reduce unnecessary administrative burden on the Licensing and responsible Authorities.

3.0 Current situation

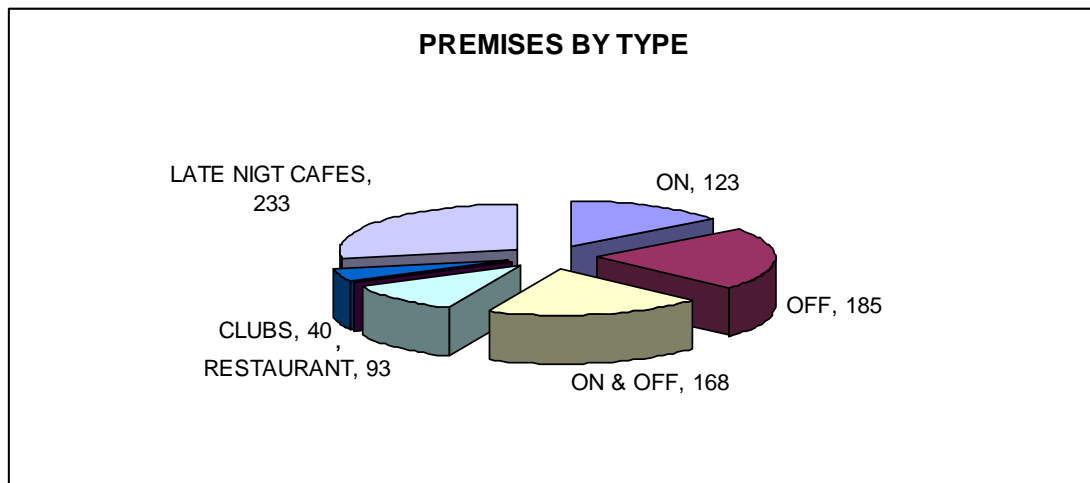
- 3.1 The existing Policy was written before the Licensing Act came into practice and focussed on addressing the legal issues governing applications. The proposed Policy has been revised to also address the lessons learnt in the recent past and to provide a more holistic approach to application process.

4.0 Financial Implications

- 4.1 There is no alteration to the core delivery of the Licensing Service and no direct financial implications have been identified. All fees and charges are set by Central Government and are not affected by the Policy Review.

5.0 Performance Issues

- 5.1 There are currently 522 Premises licences in force broken down by type in the following chart.



- 5.2 Since the introduction of the Licensing Act 2003, 62% of the premises have extended their opening hours beyond 11pm. In the last financial year the Licensing Service received 353 new applications for Personal Licences, 777 requests for change of names and addresses, 37 new Premises applications, 33 applications to Vary a Premises Licences, 68 Transfer applications, 135 DPS variations and 285 Temporary Event Notices. There were 14 panel Hearings to decide on the applications that received representations. The service also received and dealt with more than 600 representations and produced more than 30 Panel reports.
- 5.3 The current Staffing complement is; Service Manager (0.5FTE), 1 X Licensing Officer, 1 X Technical Officer and 2 X Licensing Support Officers. Due to the recent budget savings this service has lost one of the Licensing Officer's posts. In the last financial year we carried out 660 inspections to check compliance with licence conditions. We have successfully prosecuted a shop for unlicensed sale of alcohol, unlicensed sale of late night refreshment and for breaches of licensed conditions.
- 5.4 The service provides a fully searchable web based database on personal licence holders, all premises licences and all consultations with the assistance of TimeMaker Systems, an outside partner. It appears that we are the only Authority meeting the Government's requirement on fully searchable online database on personal licence holders in the Country.
- 5.5 The service has recently taken over responsibilities for the Gambling Act and completed the transitional arrangements within the time scales to facilitate a smooth transition from the old legislation.

Section 3 - Statutory Officer Clearance

Name: Sheela Thackrar	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 14 September 2007		
Name: Helen White	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 17 September 2007.		

Section 4 - Contact Details and Background Papers

- 4.1 Contact: P Sivashankar, Service Manager, Licensing, Private Sector Housing and Support Services, 6237
- 4.2 Gareth Llywelyn-Roberts, Head of Community Safety Services, 020 8736 6230, email gareth.Llywelyn-roberts@harrow.gov.uk

1.	Consultation	YES
2.	Corporate Priorities	YES