

Revision of the Licensing Statement for Swindon

Licensing Committee

Date: 5 January 2011

Author: Head of Licensing

Wards Affected: All

Purpose

To re-ratify the current Licensing Statement, whilst launching a public consultation on an interim replacement document.

Recommendation

Licensing Committee is asked : -

- To ratify the existing Licensing Statement but to start a consultation immediately, to secure a new version by late March or early April 2011.

1. Reasons

- 1.1 The Licensing Act 2003 is undergoing a review, with major changes expected. The formal timetable for revision of the Licensing Statement (the policy of the Licensing Authority) would have stifled debate and denied the opportunity to take into account the wide ranging legislative changes which are in the pipe-line.

2. Detail

- 2.1 A non-controversial proposal to give local authorities more say in the timing of licensing policy consultations was lost through lack of time just prior to the general election. The official implementation date of 7 January 2011 has two serious defects. Even in an ordinary year, agencies and businesses would have been denied meaningful involvement in a consultation timed to coincide with the busy festive season. The problem is compounded this time by the fact that major reforms to licensing laws have only just been announced. A debate which excluded consideration of imminent changes to the licensing landscape would have lacked any strategic coherence.
- 2.2 It is open to a licensing authority to review its licensing policy at any time, so it is possible to launch a consultation immediately. In legal terms this is a rather untidy and unconventional approach but it is the best option available under the circumstances.
- 2.3 It will be necessary to carry out a further consultation and revision somewhere between late 2011 and early 2012, to take account of the major changes which are expected in 2012.
- 2.4 Licensing statements last for three years at a time. Legislative change is likely to alter this to five years.

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- 2.5 Ratification of the existing text on or before 7 January 2011 will secure a degree of compliance although that version is limited by the fact that it is not informed by current feedback from stakeholders. The spirit of the law will be upheld though by a genuine process of consultation, conducted at a sensible time. Relying on the already established policy until the consultation is complete will have a marginal impact overall.
- 2.6 A revised policy will only have a life of a few months so there are options between making minor changes now and reserving anything major for the substantive review later in the year or carrying out a root-and-branch review now and then again later in the year.
- 2.7 The issues will be the urgency of any proposed changes and whether they are likely to survive the second round, in the light of the legislative reform.
- 2.8 Government guidelines recommend a period of three months for consultations but it might be considered that this is not appropriate, given that the exercise is soon to be repeated. Debate should not be artificially curtailed however and it is recommended that the length of the consultation period be reviewed in line with the scale and complexity of the comments received.

Alternative Options

- Committee must ratify a policy before 7 January but there are options around the extent of consultation and revision at this stage of the process.

Risk Management

Financial and Procurement Implications

Any consultation involves costs. The extent will depend entirely on the volume and nature of the comments received. There are no plans to deploy any additional staff resources but there will be a need for additional correspondence and extra meetings of the licensing committee. Those costs can be absorbed within existing budgets, provided that the consultation actively invites comment only from those stakeholders specified by the Licensing Act 2003. That would not preclude input from those stakeholders not actively invited to comment but the similar debate later this year will be more suited to wider public involvement. As the debate progresses, policy changes may be proposed which would have financial consequences. Should that happen, those consequences will be set out at the time.

Legal / Human Rights Implications It is open to anyone with a relevant interest to contribute to the consultation proposals. .

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

The exercise of licensing and associated powers relates particularly to reduction of crime and the fear of crime.

Further information on the subject of this report can be obtained from Lionel Starling on 01793 466109 or e-mail lstarling@swindon.gov.uk.

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Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- Licensing Statement 2008-2011