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**LICENSING POLICY 2011**

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**Responsible Cabinet Member - Councillor Bill Dixon**  
**Neighbourhood Services Portfolio**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To present for Members consideration the final draft of the Council's revised Licensing Policy document (see **Appendix 1**), which is due to be published, in accordance with statutory requirements, on 7 January 2011.

**Summary**

2. This report provides information for Members in relation to the revision of the Council's Licensing Policy. This policy must be reviewed at least every three years and was last reviewed in 2007. The draft policy attached to the report is almost identical to the previous policy with the exception of the inclusion of several new statutory requirements. The draft policy has been considered by Licensing Committee and has received their approval.

**Recommendation**

3. Council is requested to approve the final draft of the Licensing Policy for publication on 7 January 2011.

**Reasons**

4. To comply with the legislative requirements of the Licensing Act 2003 and ensure that the Licensing Policy is up to date and fit for purpose.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

- (i) The Licensing Act 2003
- (ii) The Revised Guidance issued (October 2010) under Section 182 of the Licensing Act 2003

## **Appendix**

The Revised draft Licensing Policy

Pam Ross : Extension 2647

S17 Crime and Disorder	One of the 4 licensing objectives is the prevention of crime and disorder.
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	The proposals affects all Wards
Groups Affected	N/A
Budget and Policy Framework	This report represents no change to Policy
Key Decision	The proposals do represent a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	N/A
Efficiency	There are no issues which this report needs to address

## MAIN REPORT

### Background

5. The Licensing Act 2003, which transferred liquor licensing from the Magistrates to Local Authorities, requires all Local Authorities to prepare, consult on and publish a Licensing Policy. The initial policy document was approved by Council on 6 January 2005 and published on 7 January 2005. It was revised in November 2007 and published on 7 January 2008. This Policy is a “living document” which must be statutorily reviewed at least every 3 years and has therefore been subject to a further review during the summer of 2010.

### Information and Analysis

6. The Licensing Policy provides information and guidance to applicants and local residents on the Council’s approach to the licensing of people and venues in respect of the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The policy also forms part of the Licensing Committee’s decision making process when sitting as a sub committee to determine contested applications for and reviews of licences.
7. No changes have been proposed to the actual policy in respect of dealing with applications, however there have been some legislative changes since the policy was last reviewed in 2007. These include the introduction of minor variations, the introduction of 5 new mandatory conditions in respect of the sale of alcohol and also the introduction of new legislation in respect of the licensing of Sexual Entertainment Venues (SEVs). Each of these changes has been incorporated into the policy document. For information they involve the following:
  - (a) The minor variation clauses allow applicants to apply for a variation of the licence which will have no adverse effect on the four licensing objectives through a streamlined process.
  - (b) New mandatory conditions are now imposed on a licence. These are:
    - (i) There shall be no irresponsible drinks promotions (this includes for example a ban on all you can drink for a fixed fee)
    - (ii) Alcohol shall not be dispensed directly by one person into the mouth of another.
    - (iii) Free tap water shall be provided on request to customers when reasonably available.
  - (c) The licensing of sexual entertainment venues is a new licence to permit relevant entertainment to take place whilst protecting children, performers and members of the public.

### Outcome of Consultation

8. A widespread consultation exercise has been undertaken which has included licence holders, Responsible Authorities, Trade and Residents Associations, Licensing Solicitors and other relevant organisations. All Darlington Borough Councillors have been included in the consultation and the draft policy has also been made available on the Council’s

website. The 12 week period for consultation ended on 03 October 2010. No responses were received from any party.

9. On 2 November 2010 the revised Policy was considered by the Council's Licensing Committee. The Committee determined that the recommendation contained within this report be referred to Council with their support.

### **Conclusion**

10. The Licensing Act 2003 requires that the Council's Licensing Policy is reviewed at least every 3 years. The initial policy was published on 7 January 2005. The revision of the policy has been undertaken in accordance with the legislative requirements and must be published no later than 7 January 2011.