

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING COMMITTEE

Date of Meeting:- 12 September 2007

Agenda Item No:-

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Planning Services

No

No

Title:-

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY - FORMATION OF WORKING GROUP

Report of:-

DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:-

LDS. 75/07

Summary:-

The Licensing Act 2003 transferred the responsibility for alcohol licensing to Local Authorities. One of the duties of the Local Authority is for each three year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy. The first policy was published in January 2005 and consultation is currently taking place on a draft of a revised policy. It is recommended that a small working group consisting of Members and Officers be formed to consider this draft policy.

Recommendation:-

Form a working group consisting of Members and Officers, to prepare a draft Licensing Policy for eventual approval of the City Council.

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Nil

To the Chairman and Members of the Licensing Committee on 12th September 2007

BACKGROUND

1. The Licensing Act 2003 transferred the responsibility for alcohol licensing to Local Authorities. One of the duties of the Local Authority will be for each three year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy.
2. The first policy was published in January 2005 and consultation is currently taking place on a draft of a revised policy.
3. Licensing Act 2003 Section 5 reads:

Statement of Licensing Policy

- (1) Each licensing authority must in respect of each three year period
 - a) determine its policy with respect to the exercise of its licensing functions and
 - b) publish a statement of that policy before the beginning of the period.
 - (2) In this section "three year period" means-
 - (a) the period of three years beginning with such day as the Secretary of State may by order appoint, and
 - (b) each subsequent period of three years.
 - (3) Before determining its policy for a three year period, the licensing authority must consult -
 - a) the chief officer of police for the licensing authority's area,
 - b) the fire authority for that area
 - c) such persons as the licensing authority considers to be representative of
 - i) holders of premises licences issued by that authority,
 - ii) holders of club premises certificates issued by that authority,
 - iii) holders of personal licences issued by that authority, and
 - iv) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
 - (4) During each three year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
4. The date appointed by the Secretary of State in accordance with section 5(2) of the Licensing Act 2003 was 8th January 2005. The subsequent three year period therefore commences on 8th January 2008.
 5. In 2003, Cumbria Licensing Managers Group, which is made up of Licensing Managers from each of the six authorities, discussed the formulation of a common policy. This was prepared, with the assistance of national guidance, and was accepted with minor variations by all councils.

6. On 2 July 2003, the then Licensing and Regulatory Panel of this Council resolved to form a Licensing Policy Working Group to consider the responses to the original consultation. This group consisted of a representative from each political party on the Panel, the Panel Chairman and the Portfolio Holder. The group submitted their recommendations to the Panel and subsequently to Full Council for approval.
7. On 15 December 2004, the City Council resolved to adopt the draft Statement of Licensing Policy.

CURRENT REVIEW

8. Cumbria Licensing Managers Group has discussed the current review. The trade and Responsible Authorities have appreciated the common policy adopted by the six authorities three years ago and would like to see this continue. The content has not been challenged by the judiciary or during any committee hearings. Feedback from central government is that major reviews of policies that are working well are not expected.
9. The Licensing Managers Group has made some minor, essentially administrative amendments, to the policy. This draft policy has been circulated for consultation to all Responsible Authorities and persons and organisations that were consulted in the original consultation. A letter has been sent to all Members of the City Council, it has been placed on the Council web site and a press release has been made to the local newspaper (**Appendix 1**).
10. The return date for consultation is 26th October 2007.
11. With this in mind, it is recommended that a small local working group consisting of Members and Officers similar to that outlined in para. 6 above be formed. This group will consider the draft Licensing Policy Statement, taking into account any recommendations from the county group following consultation feedback and prepare a report for ultimate adoption of the Licensing Policy by the City Council.

RECOMMENDATION

1. Form a working group consisting of Members and Officers, to prepare a draft Licensing Policy for eventual approval of the City Council.

Prepared by J A Messenger

File	Title	Forename	Surname	Organisation	Address 1	Address 2
				All Members of Carlisle CC		
	Mr	Mick	North	Arts Development Officer	Tullie House	Castle Street
	Mr	Abdul	Harid	Bangladeshi Caterers Association	Dhaka Restaurant	London Road
		The Librarian		Brampton Library	4 Front Street	Brampton
	Mr	A	Welsh	Campaign for Real Ale	67 Millcroft	Carlisle
	Ms	Gaynor	Wragg	Carlisle & District Law Society	Wellrash Barn	Wigton
				Carlisle & Eden CDRP	Civic Centre	Carlisle
	Cllr	Doreen	Parsons	Carlisle & Eden CDRP Drug Task Group	Carlisle City Council	Civic Centre
	Mr	David	Miller	Carlisle & Rural Tenants Federation	101 Briar Bank	Carlisle
				Carlisle CC Customer Contact Centre		
				Carlisle CC web site		
	Insp	Dave	Willetts	Carlisle District Pub Watch Scheme	Cumbria Constabulary	Warwick Street
		The Librarian		Carlisle Library	11 Globe Lane	Carlisle
	Mr	John	Tranter	Carlisle Licensed Victuallers	Stone Inn	Hayton
				Ch Exec & Directors	Carlisle CC	
	Ms	Wendy	Willis	CHA - Residents Assoc	Botchergate	Carlisle
				Chief Exec & Exec Directors		
	Ms	Julie	Brody	Chinese Association	C/o King Lee Foods	Escott Works, Rome Street
	Mrs	M	Van Tilburg	Chiswick St Residents Assoc	15 Chiswick Street	Carlisle
	Ms	Romana	Cecchini	Club Italiano di Cumbria	13 Abbotsford Drive	Stanwix
	Mr	Paul	Ward	Connexions		
				Cumberland News advert		
	Mr	Alan	Weir	Cumbria Chamber of Commerce	Enterprise Centre	James Street
	Ch. Supt.	Andrew	Davidson	Cumbria Constabulary	Citadel Chambers	Carlisle
	Ms	Rachel	Chapman	Cumbria Drugs Action Team		
	Mr	Justin	Robinson	Cumbria Fire Service	C Division Headquarters	11/13 Brunswick Street
		The Principal		Cumbria Institute of the Arts	Brampton Road	Carlisle
		The Librarian		Dalston Library	The Square	Dalston
		The Librarian		Denton Holme Public Library	Community Centre	Morley Street
	Mr	Richard	Arnott	Dickinson Dees Law Firm	St Ann's Wharf	112 Quayside
	Dr	David	Taylor	Evening and Late Night Economy Task Gr	Civic Centre	Carlisle
	Mr	Gareth	Ruddock	Hammonds	Rutland House	148 Edmund Street

APP. 1

4

File	Title	Forename	Surname	Organisation	Address 1	Address 2
		The Librarian		Harraby Library	Edgehill Road	Carlisle
Mr		R S	Dubelbeis	Hartleys (Ulverston) Ltd	The Old Brewery	Ulverston
		The Librarian		Library Service For Schools	Botchergate	Carlisle
		The Librarian		Library Services	Arroyo Block	Carlisle
		The Librarian		Longtown Library	Lochinvar Centre	Longtown
		The Librarian		Morton Public Library	Wigton Road	Carlisle
Ms		Judith	Gardner	Neighbourhood Development Officer	Area Support Team	Lower Gaol Yard, The Courts
Mr		Kuba	Strycharczy	Polish Association	24 Wentworth Drive	Carlisle
Mr		Andy	Bezusko	Ukranian Association	32 Briery Acres	Workington
		The Principal		University of Cumbria	Fusehill Street	Carlisle
Ms		Rhian	Davies	Youth Inclusion Officer	Economic & Community D	Civic Centre

File	Title	Forename	Surname	Organisation	Address 1	Address 2	Address 3
				Berwin, Leighton Paisner	Bouverie House	154 Fleet Street	London
0	Mr	Rob	Hayward	British Beer & Pub Association	Market Towers	1 Nine Elms Lane	London SW8 5NQ
	Mr	Lee	Le Clerk	British Beer & Pub Association	PO Box 538	Halifax	HX4 8XD
	Mr	John	Mcnamara	British Institute of Innkeeping	Wessex House	80 Park Street	Camberley GU15 3PT
				British Transport Police	Citadel Station	Court Square	Carlisle CA1 1QZ
	Mr	Michael	Smillie	Carlisle & District Primary Care Trust	Wavell Drive	Rosehill	Carlisle
	Mr	Brian	Walker	CCC Corporate Management	Legal Services Unit	The Courts	Carlisle CA3 8LZ
	Mr	Paul	Musgrave	Community Safety Officer	Cumbria County Council	The Courts	Carlisle
	Mr	Guy	Richardson	Cumbria Assoc. of Local Councils	Penrith Library	St Andrews Churchyard	Penrith CA11 7YA
			Chief Cons	Cumbria Constabulary	Police Headquarters	Carleton Hall	Penrith CA10 2AU
			Legal Servi	Cumbria Constabulary	Police Headquarters	Carleton Hall	Penrith CA10 2AU
0			Chief Offic	Cumbria Fire & Rescue Service	Fire Headquarters	Station Road	Cockermouth CA13 9RR
0	Mr	David	Copeland	Cumbria Food Liaison Group	Allerdale House	New Bridge Road	Workington CA14 3YR
	Mr	Nick	Crossland	Cumbria Health & Safety Liason Grou	Copeland Borough Coun	Catherine Street	Whitehaven CA28 7NY
				Cumbria Housing Group	Carlisle Housing Assoc	Botchergate	Carlisle
	Mrs	Liz	Parkes	Cumbria Tourist Board	Ashleigh	Holly Road	Windermere LA23 2AQ
	Mr	Martin	Ellam	Director of Faciilities	Morecambe Bay Hospita	Springville House RLI	Ashton Rd, Lancaster LA1 4R
			The Direct	Education Services	Cumbria County Council	5 Portland Square	Carlisle
				Gala Group	Newcastle House	Castle Boulevard	Nottingham
				Hammonds Solicitors	Rutland House	148 Edmund Street	Birmingham B3 2JR
	Mr	Bruce	Bennison	Head of Cultural Policy	Cultural Strategy Unit	Arroyo Block, The Castle	Carlisle CA3 8UR
				Health & Safety Executive	2 Victoria Place	Carlisle	CA1 1ER
	Ms	Sue	McCabe	Honeycombe Leisure	Deby House	Lytham Road, Fulwood	Preston PR2 8JE
0				Joelson Wilson Solicitors	30 Portland Place		London W1B 1LZ
				Ladbrokes Betting & Gaming Ltd	Imperial House	Rayners Lane	Harrow
				Leisure Link	3 The Maltings	Wetmore Road	Burton on Trent DE14 1SE
	Mr	Alan	Davidson	North Cumbria Acute Hospitals NHS	Cumberland Infirmary	Carlisle	CA2 7HY
	Ms	Jenni	Payne	North Cumbria PCT	West Cumbria PCT	Old Town Hall, Oxford St	Workington CA14 2RS
	Mr	Graham	Brooks	NSPCC	7 Chatsworth Square		Carlisle
				Poppleston Allen	37 Stoney Street	The Lace Market	Nottingham NG1 1LS
	Ms	Jan	Goode	Scottish & Newcastle Retail	Lakeside House	The Lakes	Northampton NN4 7SN
	Mr	Barry	Archbold	Senior Education Officer	5 Portland Quare	Carlisle	CA1 1PU

File	Title	Forename	Surname	Organisation	Address 1	Address 2	Address 3
0				Showmans Guild	8 Fitzroy Place		Glasgow G3 7RH
0				Showmans Guild of Great Britain	11 St Mary's Place		Bury BL9 0DZ
	Mr	D	Clark	The European Entertainment Corpora	The Park	Oaksey, Malmesbury	Wilts SN16 9SD
	Mr	Paul	Howarth	Thwaites Inns	PO Box 50	Star Brewery	Blackburn BB1 5BU