

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 21 SEPTEMBER 2005**

Title of report	<b>STATEMENT OF LICENSING POLICY - SATURATION</b>
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Purpose of report	<b>To consider amendments to the Statement of Licensing Policy.</b>
Strategic aims	<b>Safer Communities</b>
Implications:	
Financial/Staff	<b>Staff time and postage costs in the sum of approximately £110 will be included in undertaking a consultation exercise.</b>
Health/Anti-Poverty	<b>None.</b>
Crime and Disorder	<b>The prevention of crime and disorder is one of the 4 licensing objectives.</b>
Risk Management	<b>To clarify the Council's existing licensing policy will strengthen the decision making process and reduce the risk of a challenge.</b>
Human Rights	<b>Clarity in the policy is required for all concerned.</b>
E-Government	<b>None.</b>
Comments of Deputy Monitoring Officer	<b>The report is satisfactory.</b>
Comments of Section 151 Officer	<b>The report is satisfactory.</b>
Comments of Head of Paid Service	<b>Unable to comment due to leave commitment.</b>
Consultees	<b>The statutory consultees mentioned in the Licensing Act 2003 will need to be consulted.</b>

Background papers	<b>Published Guidance and policy.</b>
Recommendations	<b>THAT THE STATUTORY CONSULTEES BE CONSULTED ON THE PROPOSED CHANGES TO THE STATEMENT OF LICENSING POLICY AS DISCUSSED IN THE REPORT.</b>

## 1. SATURATION POLICY

- 1.1 Members will recall that as part of your deliberations in the development of a Statement of Licensing Policy, you considered a need for there to be a saturation policy declared in respect of Ashby de la Zouch town centre.
- 1.2 I would draw to members' attention a specific paragraph in the policy, paragraphs 3.5 and 3.6:
- 1.3 "The effect of adopting a special saturation policy is to create a reputable presumption that applications for new premises licences will normally be refused... The Council's attention has been drawn to the fact that the final version of the Statutory Guidance contained the following reference with regard to saturation policies – paragraph 3.19 "The effect of adopting a special policy of this kind is to create a **rebuttable** presumption that applications for new premises licences or club premises certificates or **material variations** will normally be refused.....".
- and paragraph 3.6
- 1.4 "When considering whether to refuse an application because of a special saturation policy, it will be for an objector to a necessary application to levy the granting of the licence would produce the cumulative impact as described above....."
- 1.5 Members' attention is drawn to the final version of the Statutory Guidance, which contains clear reference in paragraph 3.19 to the application of a special policy (such as the Saturation Policy), how the rebuttable presumption will operate, and that it can affect applications for new premises and material variations to existing premises licences.
- 1.6 It is suggested that, for clarity, the wording of paragraph 3.19 is adopted in lieu of the wording of paragraph 3.5 and 3.6 of the existing Statement of Licensing Policy, as follows:
- 1.7 "The affect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representation to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

- 1.8 However, the presumption contained in the special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before the licensing authority may lawfully consider giving effect to the special policy. If no representation is received, it remains the case that any application must be granted in terms that are consistent with the operation scheduled submitted.
- 1.9 This will ensure the wording of the policy is clear to statutory consultees and interested parties, and, be applied effectively during the decision making process, and reflects the Statutory Guidance.
- 1.10 Your officers have a duty under the Act to keep the policy under review and consider that the Policy should be amended to reflect the above which will entail a consultation exercise under the 2003 Act with the following:
- (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 holders of premises licences issued by that authority,
  - (d) such person as the licensing authority considers to be representative of holders of club premises certificates issued by that authority.
  - (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
  - (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 1.11 This exercise will incur a cost in addition to officer time, estimated at £110.

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