

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 2 NOVEMBER 2005

Title of report	STATEMENT OF LICENSING POLICY - SATURATION
Contacts	Councillor P A Hyde - 01530 260469 e-mail: paul.hyde@nwleicestershire.gov.uk Councillor J T Male – 01530 451725 dai@males.demon.co.uk Roy Eaton – 01530 454530 e-mail: roy.eaton@nwleicestershire.gov.uk
Purpose of report	To consider amendments to the Statement of Licensing Policy.
Strategic aims	Safer Communities
Implications:	
Financial/Staff	Postage and advertisement costs of approximately £500 have been incurred in this exercise.
Health/Anti-Poverty	None.
Crime and Disorder	The prevention of crime and disorder is one of the 4 licensing objectives.
Risk Management	To clarify the Council's existing licensing policy will strengthen the decision making process and reduce the risk of a challenge.
Human Rights	Clarity in the policy is required for all concerned.
E-Government	None.
Comments of Deputy Monitoring Officer	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Head of Paid Service	Unable to comment due to absence from work to attend conference
Consultees	The statutory consultees mentioned in the Licensing Act 2003 have been consulted.

Background Papers	Published Policy and Statutory Guidance
Recommendations	THAT THE COMMITTEE CONSIDER ANY COMMENTS MADE IN RESPONSE TO THE CONSULTATION EXERCISE.

1. SATURATION POLICY

- 1.1 Members will recall that at your last meeting on 21 September 2005, a report was considered on the Statement of Licensing Policy and in particular the special saturation policy within it affecting Ashby de la Zouch town centre. The report advised that the wording of the special policy did not reflect the terms of the final version of the Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.2 It was suggested that the paragraphs 3.5 and 3.6 of the existing Statement of Licensing Policy be replaced with the following :
- 1.3 “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, 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.
- 1.4 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 operating schedule submitted.”
- 1.5 The Committee decided at its last meeting that the statutory consultees identified in the Act should be consulted on this proposed amendment, a letter and public notice have been used.
- 1.6 At the time of writing this report, apart from a number of telephone calls clarifying the effect of the amendment, only one submission has been made and that is by the Leicestershire Constabulary in support of the amendment.
- 1.7 Any further comments will be submitted to the meeting.
- 1.8 Any proposed amendment to the Policy will be subject to a report to full Council on 8 November 2005.