

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

MEETING OF THE COUNCIL - 8 DECEMBER 2010

ITEM 6 - SUBMISSIONS FROM THE CABINET

STATEMENT OF LICENSING POLICY

- 1.1 Cabinet at its meeting on 18 November had before it the Statement of Licensing Policy. This is attached as Appendix 1.
- 1.2 Cabinet also had before it an additional paper advising on the Council's equalities duties and the results of a screening exercise which concluded that an equality impact assessment was not required. This is attached as Appendix 2.
- 1.3 Subsequent to the Policy being considered by Cabinet, officers received an email from the Sydney Street and District Residents' Association with a letter dated the 19 July 2010 attached. The Residents' Association was concerned that the contents of the letter do not appear to have been considered when the final version of the revised Statement of Licensing Policy was drafted. In fact, officers never received the original letter and it is presumed that it was lost in the Royal Mail postal system.
- 1.4 The points raised in the letter were as follows:
 - 1) Paragraph 2.8 (iii) the reference should be to section 11 not 10 in the last sentence
Result: - section reference changed to section 11
 - 2) Increase in premises licensed to sell alcohol after 2am – 6 in 2007 and now 35.
Result: - comments noted, the number of premises open after 2am is actually 30 rather than 35
 - 3) Paragraph 13.3 the reference in the last line should be to paragraph 13.2 and not 12.2
Result: - paragraph changed to 13.2
 - 4) Section 14 - what constitutes a minor variation?
Result: - Minor Variations: The Legislative Reform Order dealing with minor variations does not specify what can be the subject of a minor variation save to say that such an application may not

have an adverse effect on any of the licensing objectives. This requirement is already contained within this section of the Statement of Licensing Policy. It would be extremely difficult to specify exactly what could constitute a valid minor variation as the individual circumstances of each application, premises and style of operation are so different. Using the licensing objectives as a tool to assess each application works well without confining the Licensing Authority or the Responsible Authorities to a set definition.

- 5) The smoking ban – consequences of more people outside licensed premises and the Licensing Authority’s duty to take these consequences into consideration.

Result: - new paragraph 8.3 inserted

- 6) Mention of the Best Bar None scheme – maybe in section 12?

Result: - Best Bar None Scheme – the Statement of Licensing Policy is to commence on the 7 January 2011 and remain in being until January 2014. The Best Bar None Scheme is designed to be funded through subscription and through sponsorship and not through Council funds. Unfortunately, due to the current economic climate there is no guarantee that sponsorship will remain available to continue to fund the scheme throughout the lifetime of this version of the Policy Statement. If reference to the scheme is made now it could become invalid if it has to be abandoned for financial reasons prior to 2014.

- 1.5 The representations would not have led officers to recommend any substantive changes to the Policy.

- 1.6 Council is therefore **recommended to:**

- (i) Note the comments and responses in Appendix D and those set out above;
- (ii) Consider making amendments to the Statement of Licensing Policy attached as Appendix F; and
- (iii) Adopt the final version of the Statement of Licensing Policy.

FOR DECISION

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