

## **LICENSING COMMITTEE – 26 JUNE 2018**

<b>Title of paper:</b>	Consideration of Draft Statement of Licensing Policy		
<b>Director:</b>	Andrew Errington Director – Community Protection	<b>Wards affected:</b> ALL	
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<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development			<input checked="" type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
The report asks the Committee to consider and note the draft Statement of Licensing Policy prior to its submission to Full Council on 9 July 2018 for release to public consultation.			
<b>Recommendation:</b>			
<b>1</b>	That the draft Statement of Licensing Policy at Appendix 1 be noted.		

### **1 REASONS FOR RECOMMENDATIONS**

- 1.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2019. This report is brought to Committee to note/comment on the proposed Statement at the request of the Chair as the main Committee which implements the Statement of Policy. Adoption of the Statement is however a matter which is reserved to Council.

### **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and publish a Statement of Licensing Policy (the Statement). The purpose of the Statement is to inform those making and considering applications for licences and other notifications under the Act of the Authority's standards and values in promoting the licensing objectives within the

framework of the Act and Statutory Guidance issued by the Home Office. Such Statements remain in force for a period of 5 years but must be kept under review and revised at such times as the Licensing Authority considers appropriate.

2.2 The Statement was last reviewed in 2013 with the new Statement being adopted by Full Council on 9<sup>th</sup> December 2013 and taking effect from 7 January 2014 for a five year period.

2.3 Before determining any amendment to its Policy, the Authority must consult with:

- The chief officer of police for the Authority's area;
- The fire and rescue authority for that area;
- Each Local Health Board for an area any part of which is in the licensing authority's area;
- Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
- Such persons as the Authority considers to be representative of holders of premises licences issued by the Authority;
- Such persons as the Authority considers to be representative of holders of club premises certificates issued by the Authority;
- Such persons as the Authority considers to be representative of holders of personal licences issued by the Authority;
- Such other persons as the Licensing Authority consider to be representative of businesses and residents in its area.

2.4 As with previous Statements there has been liaison with neighbouring Licensing Authorities whilst preparing the draft Statement. The purpose of this is to try and ensure a consistency of approach where possible and appropriate whilst appreciating that each Authority will have its own specific issues and areas which need to be tackled individually. Whilst there is some similarity to the existing Statement the draft Statement has been updated to take into account changes in legislation and guidance especially around issues such as Cumulative Impact (which is also the subject of a separate item on this Agenda) and the consideration of Personal Licences.

2.5 It is proposed that consultation of the amendments should last for an 8 week period

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None

### **4 FINANCE COLLEAGUE COMMENTS**

4.1 The statutory fees levied for the regime are intended to cover the cost of the review of this policy.

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS**

5.1 It is a statutory requirement that the draft Statement be the subject of consultation with prescribed bodies and individuals and that thereafter a Statement of Policy be approved to come into effect on 7 January 2019. Approval of the Statement is a Council function though the Statement is brought to this Committee for consultation and comment.

- 5.2 The main proposed changes to the Statement reflect changes in legislation and Guidance relating to Personal Licences and Cumulative Impact. The latter issue has now been placed on a statutory basis requiring the adoption of a Cumulative Impact Assessment which is both within the remit of this Committee and is the subject of a separate item on this Committee's agenda. The Authority must have regard to the Cumulative Impact Assessment in determining its Statement which should both summarise it and explain how regard has been had to it. It is proposed that the adoption of the Cumulative Impact Assessment retaining the Authority's existing Cumulative Impact Zones run alongside the review of the Statement in accordance with the Statutory s182 Guidance.

Ann Barrett, Team Leader, Legal Services 5 June 2018

## **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS**

- 6.1 N/A

## **7 EQUALITY IMPACT ASSESSMENT**

- 7.1 An EIA is not required because this is a statutory requirement and the policy has been developed to enable fairness to all parties.

## **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 8.1 None

## **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 9.1 Policing & Crime Act 2017;  
Licensing Act 2003;  
Guidance issued under s182 of the Licensing Act 2003, April 2018.