

Licensing Acts Committee Report



Report of Head of Legal and Democratic Services

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Wards affected: All

To: Licensing Acts Committee

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Joint Statement of Licensing Policy

Recommendations

The committee is recommended to consider the outcome of the consultation and recommend Council to:

- (i) adopt the Joint Statement of Licensing Policy
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Statement of Licensing Policy.
- (iii) authorise the Head of Legal and Democratic Services to publish the Joint Statement of Licensing Policy in accordance with the Licensing Act 2003.

Purpose of Report

1. To consider the Joint Statement of Licensing Policy following the statutory consultation.

Strategic Objectives

2. The Joint Statement of Licensing Policy will further the council's role in improving public safety and promoting the economy. The policy ensures the council is fulfilling its statutory responsibilities.

Background

3. The current Joint Statement of Licensing Policy came into effect on 7 January 2011. The policy is subject to statutory review every five years. A new policy must be in place by 7 January 2016 and will be due for review by 6 January 2021.

Proposed policy

4. There has been substantial legislative change affecting the Licensing Act 2003 and the current policy is out of date in a number of key areas. The changes are statutory in nature and have already been enacted.
5. The new statement of licensing policy is far less structured than the previous format. This is to ensure that the policy remains relevant in the light of further proposed changes to the Licensing Act 2003 and its associated legislation and regulations.
6. There has been no change to the overall requirements of the policy that reflects the principles of the Licensing Act 2003.

Consultation results

7. The consultation lasted four weeks from 28 September to 23 October 2015. It was a public consultation and went out to all councillors and Responsible Authorities as defined under the Licensing Act 2003.
8. There was one response to the consultation. This was from the councils' Environmental Protection team who had no adverse comments on the proposed policy.
9. In addition to the statutory consultation the councils' sought a legal opinion on the revised policy from James Button and Co, a solicitor specialising in licensing matters. Due to time constraints Mr Button's input was during the consultation phase rather than during the drafting of the policy. Mr Button undertook an analysis of the proposed policy and recommended a number of detailed changes to improve the document's clarity and integrity.
10. During the consultation period the government introduced new regulations concerning the licensing of Late Night Refreshment. These allow authorities to relax the controls on the licensing of Late Night Refreshment premises. This is covered in section 8.4 of the policy. No relaxation is proposed.
11. These changes do not alter the policy's emphasis or principles. They are highlighted in the final version of the policy in appendix one of this report.

Implementation

12. Once the Council has adopted the revised Joint Statement of Licensing Policy it will come into force on 7 January 2016. The policy will be due for renewal by 6 January 2021.
13. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.

Financial Implications

14. There are no financial implications arising from the adoption of the proposed policy.

Legal Implications

15. The Joint Statement of Licensing Policy has been drafted to reflect current legislative requirements and guidance. All applications for licences and certificates under the Licensing Act 2003 have to be made and determined in accordance with the council's licensing policy.

Risks

16. Failure to reflect the requirements of the Licensing Act 2003 and associated regulations could result in the councils not complying with the legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

Conclusion

16. The committee is recommended to consider the outcome of the consultation and recommend Council to:
 - (i) adopt the Joint Statement of Licensing Policy
 - (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Statement of Licensing Policy.
 - (iii) authorise the Head of Legal and Democratic Services to publish the Joint Statement of Licensing Policy in accordance with the Licensing Act 2003

Background Papers

None