

Committee: Full Council

Agenda Item

Date: 10 October 2017

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Title: Revised Statement of Licensing Act Policy

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Item for decision

Summary

1. The revised Statement of Licensing Act Policy completed its period of public consultation on 5 September 2017. No objections were received to this consultation. One letter from a trade association was received supporting the draft Policy. This result of the consultation was reported to the Environment and Licensing Committee on 20 September 2017.
2. Members at the meeting of the Licensing & Environmental Health Committee on 20 September 2017 recommended that the amended Licensing Act Policy be forwarded to full Council for formal approval on 10 October 2017 with the new Statement of Licensing Act Policy to come into effect on 1 December 2017.

Recommendation

3. That the Council adopts the proposed new Statement of Licensing Act Policy, to come into effect on 1 December 2017.

Financial Implications

4. None arising from this report

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Draft revised Statement of Licensing Policy 2017-2022 (showing proposed changes)

Minutes of the Licensing & Environmental Committee on 20 September 2017 - LIC20.

Impact

- 6.

Communication/Consultation	Consultation has taken place with the statutory consultees (which include all responsible authorities), all premises licence holders and licensed clubs in the
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	district and all town and parish Councillors. In addition the views of the public were sought with a press release on the council's website.
Community Safety	Public safety is one of the licensing objectives promoted by the draft policy statement.
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The council is obliged to keep its statement of licensing policy under review and make changes where necessary.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. The Licensing Act 2003 which has been in force since 2005 requires that the authority produces a Statement of Licensing Policy and reviews it at least every 5 years. The current policy was last reviewed in 2012 and approved by Full Council on 11 December 2012.
8. In accordance with the requirement to keep the Policy under review the Policy has now been updated for the five year period 2017 to 2022. The Statement of Principle policy document is attached as Appendix 1 (showing all the changes in red).
9. In exercising its duties under the Act the Licensing Authority must act in accordance with the general principles of public administration, and under a duty to promote the statutory licensing objectives of preventing crime and disorder: preventing public nuisance: protecting public safety; and protecting children from harm.
10. During the life of the current policy, it has proved satisfactory and there have been no challenges made to any parts of the Policy. This revision contains additional supportive information and is in accordance with the revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. It also contains relevant updates brought in by the Deregulation Act 2015, the Immigration Act 2016 and the Police and Crime Act 2017.

11. Following the meeting on 12 June consultation letters/emails were sent to all responsible authorities under the Act, all premises licensed in the district, local businesses, Councillors, and Town & Parish Councils. In addition the consultation was published on the Council's web site.
12. Only 1 response has been received to the draft consultation by a member of a trade association supporting our draft policy.
13. We received 3 telephone calls requesting a paper copy of the draft Policy document. None of the statutory consultees, or premises licence holders consulted on this draft policy responded to the consultation letter.
14. Members are asked to approve the revised Statement of Principles. The Policy will then come into effect on 1 December 2017.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The Council is under an obligation to review the Licensing Act Policy every 5 years and ensure that the processes are followed in accordance with the legislation and guidance. Failure to achieve the timescale or demonstrate that appropriate consideration has been given to responses received during the consultation process could result in Judicial review.	1.	2.	The failure of the Council to give appropriate consultation responses could result in the imposition of sanctions upon the council.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.