

REPORT TO	ON
Licensing and Public Safety Committee	10 March 2020



TITLE	REPORT OF
Licensing Act 2003 Policy - Consultation Feedback	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. Taking into account the outcome of the consultation exercise undertaken throughout January/February 2020 (summarised in section 5 below), this report invites members to recommend the formal adoption of the draft statement of Licensing Act 2003 Policy.

## RECOMMENDATIONS

2. Consider the responses from the consultation exercise and decide whether to accept or reject the adoption of the draft statement of Licensing Policy.
3. Should Members decide to adopt the Policy, to agree that the current Statement of Licensing Policy prevails until the draft updated Statement of Licensing Policy is adopted by Full Council.
4. Forward this report to the next meeting of the Council with a recommendation for formal adoption of the draft statement of Licensing Act 2003 Policy.

## CORPORATE OUTCOMES

5. The report relates to the following corporate priorities: *(tick all those applicable):*

Excellence, Investment and Financial Sustainability	
Health, Wellbeing and Safety	<input checked="" type="checkbox"/>
Place, Homes and Environment	<input checked="" type="checkbox"/>

Projects relating to People in the Corporate Plan:

Our People and Communities	
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## BACKGROUND TO THE REPORT

On 14<sup>th</sup> January 2020, members of the Licensing and Public Safety Committee received a report from officers proposing a new draft Licensing Act 2003 policy.

Members were advised that the current policy was published on 25<sup>th</sup> March 2015 and is due to expire on 25<sup>th</sup> March 2020.

Members were advised at the meeting that 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.

Members agreed at the meeting that the proposed draft Licensing Act 2003 Policy should go to consultation and be sent out to all stakeholders.

This report presents the outcomes of the consultation exercise carried out and invites members to consider the proposed changes to the Licensing Act 2003 Policy with a view to adoption of the same

## **PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

6. Members are asked to consider the feedback given from the consultation exercise shown below in part 7 of this report and agree to the proposed changes to the Licensing Act 2003 policy attached to this report as background document 2 - Draft Licensing Act 2003 Policy.

In order to implement the recommendations, set out in the report, it is proposed that the changes to the licensing LAct 2003 policy would need to be forwarded to the next meeting of full council with a recommendation for formal adoption.

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

### **7. Feedback from Consultation exercise 13th January 2020 – 24<sup>th</sup> February 2020**

The Section 182 guidance issued under the licensing act 2003 states that;

*Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:*

- *the chief officer of police for the area;*
  - *the fire and rescue authority for the area;*
  - *each local authority's Director of Public Health in England (DPH)<sup>14</sup> or Local Health Board in Wales for an area any part of which is in the licensing authority's area,*
  - *persons/bodies representative of local premises licence holders;*
  - *persons/bodies representative of local club premises certificate holders;*
  - *persons/bodies representative of local personal licence holders; and*
  - *persons/bodies representative of businesses and residents in its area.*
- The consultation period was agreed as 6 weeks between 16<sup>th</sup> January 2020 to 27<sup>th</sup> February 2020
  - Advisory letters were sent to all stakeholders.
  - Online feedback forms were created on the council website to record feedback.

There were 4 responses to the following question;

Do you have any comments about the proposed changes to the Statement of Licensing Policy?

1. No, I have read and understand the new policy.
2. no
3. Active attendance at Pub Watch meetings should be compulsory for licensed premises and added to licences, with failure to regularly attend (without good cause) a valid reason for the licensing authority to review the premises licence.
4. None

The feedback is a resounding “No comment” to the proposal to the changes except for answer 3 above. Unfortunately the licensing authority cannot make this a mandatory condition within a premises licence.

#### COMMENTS OF THE STATUTORY FINANCE OFFICER

*There are no financial implications arising from this report. The costs of operating the licensing service are contained within the approved revenue budgets.*

#### COMMENTS OF THE MONITORING OFFICER

8. *The legal implications have been identified within the body of the report. In order to adopt the updated Statement of Licensing Policy, Full Council approval is required. This section is to be completed by the Legal Services Manager and will include any legal implications for the Council*

#### OTHER IMPLICATIONS:

<p>► <b>Risk</b></p> <p>► <b>Equality &amp; Diversity</b></p> <p><i>Add any other implications which you consider particularly relevant</i></p> <p><b>All inapplicable risks should be deleted before submission. Do not include 'N/A'.</b></p>	<p><i>Without an updated Statement of Licensing Policy, the Council is unable to carry out its functions under the Licensing Act 2003.</i></p> <p><i>There are no equality or diversity issues which arise.</i></p>
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#### BACKGROUND DOCUMENTS (or There are no background papers to this report)

Background Document 1 – Original Report 14<sup>th</sup> January 2020  
Background document 2 - Draft Licensing Act 2003 Policy

#### APPENDICES (or There are no appendices to this report)

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