

Title of meeting: LICENSING COMMITTEE

Date of meeting: 22 February 2017

Subject: The Licensing Act 2003 - Draft Statement of Licensing Policy

Report by: Licensing Manager

Wards affected: All

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 The purpose of this report is for the Licensing Committee to consider the draft statement of Licensing Policy prepared in accordance with Section 5 of the Licensing Act 2003 ("the Act") and to give approval for commencement of the consultation in relation to the draft statement.

2. Recommendations

- 2.1 That the Licensing Committee agrees, with any necessary amendments, the draft statement of licensing policy prepared in accordance with Section 5 of the Act as set out in Appendix A; and instructs the Licensing Manager to undertake a process of consultation and to prepare a final draft of the policy for further consideration by the Committee and approval by Council by no later than end of July 2017.

3. Background

- 3.1 Section 5 of the Act requires the Council to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act.
- 3.2 Before determining its policy or if revising a policy within the prescribed period, the Licensing Authority must consult with persons listed in section 5(3) of the Act. These are:
- The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;

- Persons/bodies representative of local holders of personal licences; and
- Persons/bodies representative of businesses and residents in its area.

3.3 Beyond the above statutory requirements, it is for each Council to decide whether to consult with any other representative bodies having regard to costs and time involved. The Government has indicated that where the Council exceeds the statutory requirements, they will have to absorb those additional costs that may not be met from the fee levels set by central Government.

3.4 A draft statement of licensing policy has been prepared in accordance with the Act for consideration by the Licensing Committee and for the consultation process to commence.

3.5 In preparing the draft statement, preliminary consultation has already taken place with the statutory authorities which are identified below and their comments have been incorporated into the draft statement:

- The chief officer of police;
- The chief fire officer;
- Head of environmental health (including trading standards);
- Head of planning services;
- Director of public health; and
- Children's social care and safeguarding service.

3.6 The majority of proposed changes to the existing statement of licensing policy reflect both amendments to the Statutory Guidance issued in accordance with section 182 of the Act together with legislative changes since this policy was last reviewed. A review has also been undertaken of the current cumulative impact area identified within the policy and new data has been provided to support its retention and identification of geographical boundaries.

A copy of the existing policy is attached as Appendix B.

3.7 **Timetable for consultation**

The draft timetable suggested is as follows:

22 February 2017	Licensing Committee to consider and approve the draft policy for public consultation;
Mid/end March 2017	Consultation period commences;
Mid/end May 2017	Consultation period ends and consideration of any responses takes place;
Mid/end July 2017	Report to be considered by the Licensing Committee for final approval of the statement of licensing policy and recommendation of adoption by Council;

Statement of licensing policy to be considered and approved by Council and will come into immediate effect.

3.8 Consultation process

To ensure that the consultation process is as effective as possible, the following steps will be taken in addition to the statutory requirements:

- Copies of the existing and draft statement of licensing policy together with information as regards making representations will be available on the Council's website and social media sites;
- Copies of the document will be sent to all libraries and will also be available at the Licensing Service and City Helpdesk;
- A press release will be prepared for the media;
- An item on the proposed draft policy will be published in the Members Information Sheet and distributed to all members; and
- A copy of the draft policy will be made available in each of the Group Rooms together with a copy of the existing policy. A copy of the Act and the Statutory Guidance is already available in the Group Rooms.

4. Reasons for recommendations

- 4.1 To fulfil the Council's statutory obligations as set out in section 5 of the Act.

5. Equality impact assessment (EIA)

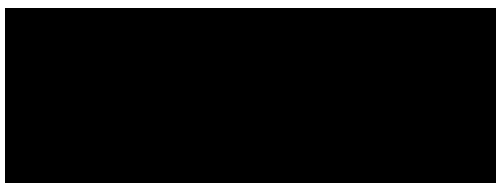
- 5.1 A preliminary EIA has been undertaken and is attached as Appendix C.

6. Legal Implications

- 6.1 All legal comments are contained within the body of the report.

7. Finance Comments

- 7.1 There are no financial implications in respect of this report.



Signed by:

Appendices:

- Appendix A** Draft Statement of Licensing Policy for 2017 - 2022.
Appendix B Existing Statement of Licensing Policy.
Appendix C Preliminary Equality Impact Assessment.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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 Signed by: