

Title of meeting: LICENSING COMMITTEE

Date of meeting: 23 June 2017

Subject: The Licensing Act 2003 - Adoption of 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 to inform the Committee of the representations received in response to the consultation process which was undertaken on the draft statement of licensing policy in respect of the Licensing Act 2003. The consultation was undertaken between 31 March 2017 and 5 May 2017.
- 1.2 The report also seeks the approval of the Licensing Committee of the proposed final statement of licensing policy and to commend it for formal adoption by Council.

2. Recommendations

2.1 *That the Licensing Committee:*

- (a) Considers the responses received and approves the amendments to the proposed final statement of licensing policy;***
- (b) Refers this report to Council for information and guidance in respect of the requirements of the Licensing Act 2003; and***
- (c) Recommend that Council adopts the statement of licensing policy in accordance with Section 5 of the Licensing Act 2003 with effect from 12 July 2017.***

3. Background

- 3.1 The Licensing Act 2003 ("the Act") first came into effect on 24 November 2005 and created a single integrated regime for regulating alcohol, entertainment and late night refreshment.

3.2 The Council, as Licensing Authority, is responsible for regulating the following types of licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The Act provides for four different types of authorisations or permissions that the Licensing Authority may grant which are:

- Premises licences - to use premises for licensable activities;
- Club premises certificate - to allow a qualifying club to engage in qualifying club activities;
- Temporary event notice - to carry out licensable activities at a temporary event;
- Personal licence - to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

3.3 **The licensing objectives**

The Act sets out four licensing objectives that underpin the functions that the Licensing Authority performs. They are:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

3.4 **Statement of licensing policy**

Section 5 of the Licensing Act 2003 ("the Act") requires the Council to prepare and publish a statement of its licensing policy every 5 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. The Council must keep the policy under review throughout each 5 year period and to revise it as necessary. However, prior to making any changes the Council must carry out a consultation process.

3.5 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.

3.6 **Consultation process**

The draft statement of licensing policy was made available for consultation between 31 March 2017 and 5 May 2017 in accordance with the statutory requirements. It was published on the Council's website, facebook and twitter pages, copies were distributed to all public libraries, City Help Desk and to each of the Members' Group Rooms. A public notice was also published in a local newspaper.

3.7 **Response to the consultation process**

At the conclusion of the consultation period, 3 responses had been received from:

- The British Beer & Pub Association (BBPA);
- Hampshire Fire and Rescue Service; and
- Director of Public Health.

A summary table of their comments are attached as **Appendix A** together with your reporting officer's recommendations in respect of the responses. Copies of the full responses are attached at **Appendix B**.

A copy of the proposed final statement of licensing policy is attached as **Appendix C**.

3.8 **Administration, exercise and delegation of functions**

The Act provides that the functions of the Licensing Authority (including its decisions) are to be taken or carried out by its licensing committee or sub-committees. However, in relation to the making of a statement of licensing policy, this matter must be determined and approved by Full Council.

4. **Reasons for recommendations**

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

5. **Equality impact assessment (EIA)**

A preliminary EIA was undertaken on the proposed policy prior to undertaking the consultation process and formed part of that report on 22 February 2017. A copy of that EIA is attached as **Appendix D**.

6. Legal Implications

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

7. Finance Comments

There are no financial implications in respect of this report.

.....
Signed by:

Appendices:

| | |
|-------------------|--|
| Appendix A | Summary of responses to consultation and officer recommendations |
| Appendix B | Full responses to consultation |
| Appendix C | Proposed final statement of licensing policy |
| Appendix D | Preliminary EIA |

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

.....
Signed by: