

Title of meeting: FULL COUNCIL

Date of meeting: 11 July 2017

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

Report by: Director of Culture and City Development

Wards affected: All

Key decision: No

Full Council decision: Yes

1. Purpose of report

- 1.1 To receive and to adopt the draft statement of licensing policy with effect from 12 July 2007 in accordance with Section 5 of the Licensing Act 2003.
- 1.2 To note the prior consultation on the draft policy and the amendments approved by the Licensing Committee.

2. Recommendations

- 2.1 ***That the Council notes and approves the recommendations of the Licensing Committee and Council adopts the statement of licensing policy in accordance with Section 5 of the Licensing Act 2003.***

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 also 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 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.

A copy of the proposed statement of licensing policy is attached as **Appendix A** to this report.

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 the Licensing Committee report on 22 February 2017 and 23 June 2017.

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.

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Signed by:

Appendices:

Appendix A Proposed final statement of licensing policy

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: