

**Title of meeting:** LICENSING COMMITTEE / FULL COUNCIL

**Date of meeting:** 15 JANUARY 2016 / 9 FEBRUARY 2016

**Subject:** Licensing Act 2003 - Statement of Licensing Policy 2016 - 2021 Approval of interim measures

**Report by:** Nickii Humphreys, Licensing Manager

**Wards affected:** All

**Key decision:** No

**Full Council decision:** Yes

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**1. Purpose of report**

1.1 The purpose of this report is for the Licensing Committee to recommend to Full Council that it adopts the existing Statement of Licensing Policy with effect from 26 January 2016 pending the review and subsequent consultation on the proposed amendments to the Statement of Licensing Policy in accordance with the Licensing Act 2003, for the period 2016 - 2021.

**2. Recommendations**

2.1 That the Licensing Committee recommend to Full Council that it adopts the existing Statement of Licensing Policy with effect from 26 January 2016 as an interim measure pending the Council making a final decision on the outcome of the review and consultation on the Statement of Licensing Policy for the period 2016 until 2021.

**3. Background**

3.1 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 authority carries out any function in respect of individual applications made under the terms of the Act.

3.2 Before determining its policy for any 5 year period, or if revising a policy within a 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 A draft statement of licensing policy is in the process of being prepared in accordance with the Act and a separate report will be considered by the Licensing Committee for approval of its contents and to agree the timetable of consultation.

The majority of proposed changes to the existing statement of licensing policy will reflect amendments to the Statutory Guidance issued in accordance with section 182 of the Act and legislative changes brought into effect since the policy was last reviewed.

3.4 Due to pressures on the licensing service which include work on a total review of policy considerations for the private hire and hackney carriage licensing functions, the timescales for preparing and consulting on the new statement of licensing policy have slipped behind schedule.

3.5 As mentioned in paragraph 3.1, the authority must, by law, have a licensing policy in place with effect from January 2016 in order to continue to carry out its statutory function in relation to individual applications made under the Act. To allow a full and proper consultation process to take place in respect of the proposed amendments to the statement of licensing policy, it is proposed that the existing licensing policy be continued with effect from 26 January 2016 and, following completion of the consultation process, the new statement will be referred to Full Council by the Licensing Committee for consideration and adoption.

#### **4. Reasons for recommendations**

4.1 To ensure that the Council meets its statutory obligations under the Licensing Act 2003 by implementing interim measures to enable the Licensing Authority to carry out its statutory function pending review and consultation on the proposed new policy.

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

5.1 A preliminary EIA will be undertaken in due course upon preparation of the draft statement of licensing policy.

#### **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.

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Signed by:

**Appendices:**

**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 |
|-------------------|----------|
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|                   |          |

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

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Signed by: