



REPORT OF:	EXECUTIVE MEMBER FOR ENVIRONMENT
TO:	COUNCIL FORUM
ON:	6th November 2014

SUBJECT : Statement of Licensing Policy 2014 made under the Licensing Act 2003.

1. PURPOSE OF THE REPORT

- 1.1 To seek approval to adopt a revised Statement of Licensing Policy made under the Licensing Act 2003.

2. OPTIONS

- 2.1 It is proposed that the Statement of Licensing Policy (Appendix 1) be adopted as the Council's policy with respect to its duties under that Licensing Act 2003. (Appendix 1 will be placed on the Councils' website and placed in the group rooms for viewing)

3. RECOMMENDATIONS

- 3.1 Approve the adoption of the 2014 version of the Statement of Licensing Policy made under the Licensing Act 2003.

4. BACKGROUND

- 4.1 Every 5 years each Licensing Authority must determine a policy with respect to the exercise of its functions in the Licensing Act 2003. A statement of that policy must be published and must also be kept under review and changed if deemed necessary.
- 4.2 The changes made since the last policy was adopted in 2011 are to make reference to some legislative changes, such as the ability of Local Authorities to suspend licences where annual licence fees have not been paid. In addition more guidance has been included for applicants to help them through the application process. Blackburn with Darwen's policy was last published in 2011.
- 4.3 Although well within the mandatory 5 year review period the most recent revision of the policy reflects changes to legislation since 2011. A draft policy was brought before Licensing Committee in September 2013 for agreement to enter into a consultation exercise. The period of consultation took place between 30th September and 30th December 2013. Details of those consulted are in section 11 of this report.
- 4.4 The consultation resulted in a response from the Council's Director of Public Health.

- 4.5 In early 2014 the Borough's Alcohol Strategy was consulted on which resulted in a response from the British Beer and Pub Association. In addition, in May 2014 the Council received a joint letter from a number of alcohol trade bodies. Whilst these letters were not directly in relation to the Statement of Licensing Policy it was important to consider their content to inform the Statement of Licensing Policy. More details of this is in section 5 of this report.

5. RATIONALE

- 5.1 The comments made in response to the consultation on the Statement of Licensing Policy and the letters received from the trade were considered by a meeting of the Council's Licensing committee in July 2014. In light of current legal guidance and advice it was recommended that the draft Statement of Licensing Policy as consulted on be put forward for adoption without further amendment.
- 5.2 In summary, the issues raised were around the legality of licensing authorities using voluntary agreements with the alcohol trade or imposing conditions on the sale of super strength beers, lagers and ciders or the introduction of a minimum unit price. In particular the concerns raised were about the impact of price fixing agreements on compliance with the Competition Act 1998.

6. POLICY IMPLICATIONS

- 6.1 The Statement of Licensing Policy will become the Council's policy with respect to dealing with applications for licences and those holding licences to sell alcohol or provide regulated entertainment within the Borough.

7. FINANCIAL IMPLICATIONS

None

8. LEGAL IMPLICATIONS

- 8.1 It is a legal requirement to review the statement of licensing policy at least every 5 years. There are no legal implications of amending the Policy. Provided the correct procedures are followed for the adoption of any amendments, decisions made under the existing Policy will not fetter the discretion of the Authority to make decisions under the new Policy.

9. RESOURCE IMPLICATIONS

None

10. EQUALITY IMPLICATIONS

- 10.1 An Equality Impact Assessment has been completed and found no positive or negative impacts on protected groups.
- 10.2 In considering this matter the Council needs to read and understand the Equality Impact Assessment (EIA) attached associated with this item in advance of making the decision

11. CONSULTATIONS

Consultations have been carried out via a mailshot, with all the authorities laid down in statute and with trade organisations. Awareness of the policy review was raised through promotion on the Council's website. The Licensing Committee were consulted on the policy review at meetings on 23 September 2013 and 15 July 2014.

Chief Officer/Member **Sayyed Osman / Cllr Jim Smith**

Contact Officer: **Denise Andrews**

Date: **22nd October 2014**

Background Papers: None

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request.

Form Reference Standard Committee Report Template May 2012 1.0