

DEPARTMENT: ENVIRONMENT AND LEISURE

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

16 July 2019

TITLE : CONSULTATION ON LICENSING ACT 2003 – REVISION OF STATEMENT OF POLICY 2020

1. PURPOSE

To inform members of the proposed consultation to be undertaken about the revision of the Licensing Act 2003 Statement of Licensing Policy.

2. RECOMMENDATIONS

That members note the report and put forward any recommendations they may have for inclusion in the revised policy.

3. KEY ISSUES

The Licensing Authority, on behalf of the Council, is about to consult on a revised Policy Statement for the licensing Act 2003 . The last policy was agreed in 2015. A copy of the proposed policy is at appendix 1. This version has been tracked changed to allow the proposed changes from the current policy to be easily identified.

The Public Protection Service is consulting on a national and local level with businesses and organisations affected by the policy. The residents of the borough will be consulted via the Council's website and through resident associations.

The consultation is being undertaken from 20 July to 11 October 2019.

4. RATIONALE

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 (a licensing statement) must be published before the beginning of that period. The statement must also be kept under review and changed if deemed necessary.

The primary aim of this Licensing Policy is to promote the 4 licensing objectives which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

The amendments made since the last policy was adopted in 2015 are to reflect legislative changes, notably:

- changes to the application process for a personal licence to include a check on the right to work in the UK
- the licensing authority's powers to revoke personal licences where holders have been convicted of relevant offences
- inclusion of the list of national, mandatory premises licence conditions

Other amendments are:

- updated information about the borough including the numbers of premises issued with licences
- a section on the role of public health, alcohol and licensing

A fully tracked changes version of the statement of licensing policy has been produced for Licensing committee to make it easy for the proposed changes to be identified. See appendix 1.

5. POLICY IMPLICATIONS

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.

Approval of the policy is deemed a key decision and will be considered by full Council at the meeting scheduled for 23 January 2020.

6. FINANCIAL IMPLICATIONS

None.

7. LEGAL IMPLICATIONS

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.

8. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will undertake the associated work in revising and implementing the Statement of Licensing Policy.

9. CONSULTATIONS

As detailed in Key Issues.

10 . CONTACT OFFICER

Donna Riding – Principal Officer - Licensing
Telephone 01254 585004