

Meeting: Licensing Committee

Agenda Item: 4

Portfolio Area: Safer and Stronger

Date: 4 September 2013

LICENSING ACT 2003 – LICENSING POLICY REVIEW

Author – Heather Morris, ext. 2175

Lead Officer – Aidan Sanderson, ext. 2311

Contact Officer – Heather Morris, ext. 2175

1. PURPOSE

- 1.1. That Members are made aware of the results of consultation on the Council's draft Licensing Policy, the process having been commenced by the Licensing Committee on the 3rd June 2013.

2 RECOMMENDATIONS

- 2.1 Subject to any amendments recommended by the Committee, that the Licensing Policy for 2014-2019 (attached at appendix A) be approved.

3 BACKGROUND

- 3.1 The existing Licensing Act 2003 policy was last approved by Full Council in December 2010, for the period 7th January 2011 – 6th January 2014.
- 3.2 In line with the requirements of the Licensing Act 2003, officers have completed a review of the existing licensing policy making reference to the s.182 Guidance as issued by the Home Office in support of the Act and guidance notes as provided by the Local Government Association (LGA) for licensing policy statements.
- 3.3 In line with guidance from the Cabinet Office, we have completed a period of public consultation. This consultation took place during the 17th June – 12th August 2013.
- 3.4 The Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 requires all Licensing Authorities to advertise and to consult as to its Licensing Policy every 5 years or sooner if required.

- 3.5 The Act requires the following parties be consulted by Licensing Authorities as part of its review process:
- The chief officer of police for the borough;
 - The fire authority for the borough;
 - 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 personal licences;
 - Persons/bodies representative of business and residents in the borough.
- 3.6 A list of those persons with whom we consulted with can be found at appendix 2 to this report.
- 3.7 Following the consultation, the Licensing Authority received no comments from those with whom they consulted with. Therefore, no further amendments have been made to the proposed policy.
- 3.8 The revised draft of the policy therefore remains as that presented to the Licensing Committee in June 2013, and is attached at Appendix 1 to this report.
- 3.9 The original report as presented to the Committee on the 3rd June 2013 is attached as appendix 3 to this report.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 That, subject to any amendments following the consultation as completed as recommended by the Licensing Committee, that the Licensing Policy for 2014-2019 be approved, and put forward to Full Council on the 4th December 2013 for ratification and adoption, in order that the revised policy (5th edition) can take effect on the 7th January 2014.
- 4.2 Failure to approve the policy and to then recommend approval to Full Council for adoption could see the Council in a position of not being able to fulfil its requirements under the Licensing Act 2003 in having a licensing policy in place by the 7th January 2014 as there was no interim review of the licensing policy as it stood at the time the provisions of the Police Reform and Social Responsibility Act 2011 provisions came into affect.
- 4.3 S122 (8) of this Act does state that:
- (8) Any policy determined, and any licensing policy statement published, under section 5(1) of the Licensing Act 2003 in respect of the period of three years beginning with 7 January 2011 is, on and after the commencement of this subsection, to be treated for all purposes as if-
- (a) it had been determined and published under that section (as amended by this section) in respect of the period of five years beginning with the 7 January 2011, and
 - (b) it specified the five year period to which it relates.

5. IMPLICATIONS

5.1. Financial Implications

- 5.1.1. As most of the applications are dealt with administratively, there is not expected to be a large increase in workload as a result of this policy being revised and published.

5.2. Legal Implications

- 5.2.1 The Licensing Authority has a statutory obligation to produce a Licensing Policy under the Licensing Act 2003. This must be reviewed at a maximum every five years or sooner if required.
- 5.2.2 The Licensing Authority is bound by the provisions of the Act, the statutory guidance issued by the Secretary of State and its own Statement of Licensing Policy in administration of the licensing regime and in determining licensing issues. The integrity of the policy therefore has the potential to directly impact upon the Authority's determination of applications under the Act.
- 5.2.3 The scheme of delegations as previously approved by Stevenage Borough Council is included in the attached draft policy document as appendix 1 therein, and has been updated to reflect the points within the LGA template for this policy review.

5.3. Equalities and Diversity Implications

- 5.3.1. An Equalities Impact Assessment has been undertaken as part of this policy review, and there have been no significant impact identified to any individuals or businesses as a result of this policy review being undertaken.

5.4. Service Delivery Implications

- 5.4.1. Unsuccessful implementation of the Act would cause considerable difficulty to businesses and residents alike. The production of this Licensing Policy must therefore be undertaken effectively to ensure that it is re-published no later than the 7th January 2014.

6. BACKGROUND DOCUMENTS

- Licensing Act 2003
- Police Reform and Social Responsibility Act 2011
- Section 182 Guidance (October 2012) as produced by the Home Office
- LGA – Best Practice Framework for Reviewing Licensing Policy Statements (October 2012) Licensing Act 2003
- Stevenage Borough Council's Licensing Act 2003 Licensing Policy 2011-2014
- Home Office summary of s.182 changes April-October 2012

- Local Government (Miscellaneous Provisions) Act 1982, schedule 3 – Adoption of provisions by Full Council (23 February 2011) (with affect 1st April 2011)

7. APPENDICES

Appendix 1 - Stevenage Borough Council proposed Statement of Principles (with effect from 7th January 2014)

Appendix 2 - Consultees for Licensing Policy review 2013

Appendix 3 - Committee Report of 3 June 2013