

SUBJECT:	Licensing Act 2003 Policy Review 2017
REPORT OF:	Director of Services – Steve Bambrick
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
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WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 This report is to recommend to Council the adoption of the revised draft Licensing Act 2003 Policy Statement (“the draft Policy”) attached as Appendix 1.

RECOMMENDATION

That the Council adopts the draft Policy attached as an Appendix to come into effect on 13th November 2017.

2. Reasons for Recommendations

- 2.1 The Council has a statutory responsibility under the Licensing Act 2003, as amended (“the 2003 Act”) to ensure that the Licensing Act Statement of Policy is reviewed at least every 5 years, the existing policy will have been in place for 5 years as of 12th November 2017.

3. Background

- 3.1 The draft Policy was reviewed by the Licensing Committee on 30th March 2017 and agreed for an eight week consultation.
- 3.2 The Guidance issued under section 182 of the Licensing Act 2003 (“the 2003 Act”) states that before determining its policy for any five year period, the Licensing Authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the Chief Officer of Police for the area;
 - the Fire and Rescue authority for the area;
 - each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority’s 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 The Council has consulted with all of the above named consultees and the Town and Parish Councils have also been consulted. The draft Policy was publicised on the Council’s website, and via the Council’s social media accounts.
- 3.4 There were 3 responses received to the consultation, with the only requested consideration relating to the notification of local residents when licensing applications are submitted to the Council regarding premises in their area. Some local authorities do this, and it is often referred to as ‘Neighbour Notification’.

4. Draft policy amendments following consultation

- 4.1 Following consideration of the responses to the consultation at its meeting on 17 July 2017, the Licensing Committee decided to include Neighbour Notification within the draft Policy (Page 11). As there were no other considerations necessary as a result of the consultation responses, this was the only amendment and the Licensing Committee resolved to recommend the draft Policy to Council for adoption.

5. Corporate Implications**5.1 Legal**

The 5 year review of the Statement of Licensing Policy is a statutory requirement under the 2003 Act.

Increasing the amount of consultation led by the Council, could lead to challenge by applicants via appeal or judicial review if it is considered that the Council has solicited representations. However, neighbour notification is common around the country, and so long as any information provided in the consultation is neutral it is considered that there is a low risk of a successful challenge.

5.2 Financial

Increasing the level of consultation that takes place by the Council will increase the cost of determining an application made under the 2003 Act, and may lead to an increase in the need for licensing sub-committees if it is the case as reported by respondents that residents are not currently becoming aware of the applications and therefore do not submit representations objecting to an application. However, this may lead to reduced costs of monitoring the licence once granted as a result of improved conditions on licences, and potentially less likelihood of complaints from residents if their concerns are addressed during the application process.

5.3 Equality Act 2010

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Licensing Policy Statement. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

6. Links to Council Policy Objectives

- 6.1 The publication of an effective Statement of Licensing policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability.

7. Next Steps

If the draft Policy is adopted it will come into effect on 13th November 2017 and will be made available to the public via the Council's website.

Background Papers:	None other than those referred to in the report.
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