

SUBJECT:	<i>Licensing Act 2003 Policy Review 2018</i>
REPORT OF:	<i>Director of Services – Steve Bambrick</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities – Martin Holt</i>
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WARD/S AFFECTED	<i>All Wards</i>

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.

RECOMMENDATIONS

- 1. That the Council adopts the draft Policy attached as Appendix 1 to come into effect on 10th December 2018.**

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 Policy is reviewed at least every 5 years, the existing policy having been in place for 5 years as of 9th December 2018.

3. Content of Report

- 3.1 The draft Policy was reviewed by the Licensing Committee on 24th January 2018 and approved for a six week consultation.
- 3.2 The Guidance issued under section 182 of 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 also publicised on the Council's website, and via the Council's social media accounts.
- 3.4 There were 4 responses received to the consultation, two of the responses stated that they had no comments to make, one from the Thames Valley Police Licensing Department and the other from a local premises licence holder. One response was from the Buckinghamshire Safeguarding Children Board providing up to date contact information. The other response was from a firm of solicitors that specialise in licensing (Poppleston Allen) who made a number of points in relation to sections of the draft Policy that they felt could be made clearer for the reader.
- 3.5 The Licensing Committee considered the responses received at their meeting on 21st June 2018 and as a result, some minor amendments to the draft Policy as proposed by Officers were agreed by members, as were the recommendations stated in the report. A copy of the final draft Policy recommended to Council for adoption by the Licensing Committee is attached to this report as Appendix 1.

4. Options

- 4.1 Members can adopt the draft Policy with or without modification having duly considered the information provided in this report and the matters already considered by the Licensing Committee.

5. Corporate Implications

5.1 Legal

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

5.2 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 licensing of premises and the adoption of a Licensing Policy in respect of this activity contributes towards the Council's Corporate Plan Key Theme 2 of working towards safe and healthier local communities. Properly controlling and regulating these

activities will assist in ensuring that levels of crime and disorder remain low and appropriate well run premises can contribute towards the local economy.

Key Objectives available here:

<http://www.southbucks.gov.uk/prioritiesandperformance>

7. Next Steps

7.1 If the draft Policy is adopted it will come into effect on 10th December 2018 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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