

SUBJECT:	Licensing Act Policy Review 2018
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

To provide members with a draft copy of the revised Licensing Act Policy Statement for consideration and to seek approval to undertake a consultation exercise in connection with the proposed revised policy.

RECOMMENDATIONS

1. **The draft Licensing Policy attached at Appendix A be approved for consultation for a period of 6 weeks, commencing in February 2018.**
2. **The results of the consultation exercise be reported back to the Licensing Committee at a future meeting, likely to be held in June 2018 (date to be confirmed), for further consideration.**
3. **Members note that it is intended to report to Council in November 2018 (date to be confirmed) for adoption of the final Licensing Policy.**

2. Reasons for Recommendations

The recommendations follow the required process for the statutory review of the Licensing Policy to enable the Council to ensure that this is completed within the statutory time limits.

3. Background

- 3.1 Section 5 of the Licensing Act 2003, as amended (“the 2003 Act”) requires a Licensing Authority to prepare and publish a Licensing Policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 3.2 The Council adopted its first Licensing Policy in 2004. This policy was subsequently reviewed on 11 December 2007, in December 2010, and most recently on 10th December 2013.
- 3.3 The Guidance issued under section 182 of the 2003 Act states that before determining its policy for any five year period, the LA 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.

4. **Discussion**

- 4.1 During the life of the current policy, it has proved satisfactory and has guided applicants, officers, and the Licensing Sub Committee in the submission, consideration and determination of applications. There have been no challenges made to any parts of the Policy.
- 4.2 The Licensing Section has produced a revised draft Licensing Policy for consideration which contains suggested amendments to the existing Licensing Policy shown in red, a copy of which is attached to this report marked "Appendix A". It is intended that this draft Licensing Policy, subject to consultation, will replace the current adopted Licensing Policy when finalised and adopted by the Council.
- 4.3 Most of the changes are minor in nature. Some changes have been made in regards to the 'Neighbour Notification Policy, to make this aspect of the policy more clear and specific, and changes in the law resulting from the Immigration Act 2016 have also been reflected.
- 4.4 The impact of the Immigration Act 2016 is that the Home Secretary has become a responsible Authority to be consulted on premises licence applications and personal licence applications in order to establish that individuals applying are eligible to work in the UK. In addition, new offences have been created and additional powers to take action against licensed premises employing illegal immigrants. These types of licence issued after the enactment of the Immigration Act also automatically lapse if an individual loses their eligibility to work
- 4.5 The draft Licensing Policy must be approved by full Council prior to its coming into force on 10th December 2018. Therefore it is proposed that the finalised draft Policy be referred to full Council in November 2018 (date of meeting to be confirmed).

5. **Consultation**

- 5.1 It is proposed that the attached draft Licensing Policy be subject to a six week consultation period, between February 2018 and March 2018, to enable people to submit any comments on the draft Licensing Policy. Comments received during the consultation process will then be reported back to the Licensing Committee for further consideration at a future meeting, likely to be in June 2018, and then recommended to Council in November 2018 with or without further modification for adoption.
- 5.2 The Responsible Authorities will be engaged with directly, as will other known key stakeholders. In addition, the consultation and draft Licensing Policy will also be published on the Council's website and advertised via social media.

6. Corporate Implications

6.1 Legal

The revision of the Licensing Policy is a statutory function and must be undertaken every 5 years. The costs in carrying out the revision, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no income generated by the revision of the existing Policy.

6.2 Equalities 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. 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.

6.3 Other Implications

A robust Licensing Policy assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should encourage good partnership working with Responsible Authorities and other key stakeholders, encourage social inclusion, and promote a sustainable leisure provision in the district.

7. Links to Council Policy Objectives

The publication of an effective 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.

8. Next Step

The next steps will be as stated in the recommendations.

Background Papers:	N/A
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