

SUBJECT:	Licensing Act 2003 Policy Review 2017 Consultation Outcome
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 To advise members of the outcome of the consultation on the revised draft Licensing Act 2003 Policy Statement (“the draft Policy”) and for members to consider the responses received so that the draft Policy can be recommended to Full Council for adoption.

RECOMMENDATIONS

It is recommended that;

1. The responses to the consultation in Appendix 2 be considered by members.
2. The draft Policy attached at Appendix 1 be recommended for adoption with or without modification by Full Council.
3. Members note that it is intended to report to Council on 14th November 2018 recommending the adoption of the final draft Policy with effect from 10th December 2018.

2. Reasons for Recommendations.

- 2.1 It is important that the consultation responses are given due consideration by members and the draft Policy be amended if appropriate in light of those responses before recommending the draft Policy to Council for adoption.
- 2.2 The Council has a statutory responsibility to ensure that the Licensing Policy is reviewed at least every 5 years. For the draft Policy to be adopted within this statutory timescale, a report recommending its adoption must go to the meeting of the Council on 14th November 2018.

3. Background

- 3.1 Following the Licensing Committee meeting on 24th January 2018, the draft Policy was subject to a six 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;

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- 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.

4. Discussion

4.1 There were 4 responses received to the consultation, attached in Appendix 2. 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 feel could be made clearer for the reader.

4.2 The comments made by Poppleston Allen have been noted and as a result some minor amendments to the wording of the draft Policy have been made in order for the draft Policy to be more easily understood by all parties and to avoid any doubt. The changes made to the wording are shown in Appendix 1 via tracked changes.

5. Corporate Implications

5.1 Legal and Financial.

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

5.2 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 Statement of Principles. 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.

5.3 Other Implications

A robust Statement of Principles assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should

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encourage good partnership working with Responsible Authorities and other key stakeholders.

5. 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.

6. Next Steps

The next steps will be as stated in the recommendations.

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