

## **REVIEW OF LICENSING ACT 2003 POLICY – OUTCOME OF CONSULTATION PROCESS**

**Officer Contact:** Mrs Caroline Steven, Tel: 01494 421222  
Email: caroline\_steven@wycombe.gov.uk

**Wards Affected:** All

### **PROPOSED DECISIONS**

That:

- i) the Committee recommend to the Regulatory and Appeals Committee that the minor amendments to the Constitution relating to delegated powers, as set out at Appendix A, be recommended to Council for adoption;
- ii) subject any comments of the Committee, the amended Panel guidance documents, as set out at Appendix B, be approved; and
- iii) the Committee note the update and amendments to relevant laws as presented at the training session taking place during the meeting.

### **Executive Summary**

There have recently been some amendments to the Licensing Act by virtue of the Police and Social Responsibility Act 2011. One of these amendments is the addition of the Licensing Authority as a responsible authority, thereby empowering officers within the Licensing Unit to make representations on licence applications and call reviews where appropriate. As a result of these changes, it is considered necessary to amend the Head of Environment's scheme of delegation to reflect these changes. These proposed amendments are set out in Appendix A.

### **Corporate Plan / Sustainable Community Strategy Implications**

The revisions will contribute to all priorities of the Corporate Plan (People, Place and Pounds) and contribute to the Sustainable Community Strategy themes in respect of Safe Communities, Health and Wellbeing, Thriving Economy and Sustainable Environment.

### **Corporate Implications**

The amendments to the Licensing Act confer additional powers and responsibilities on officers within the Licensing Unit to take appropriate action in relation to applications for licences and existing licensed premises. It is necessary for the Council's Constitution to clearly reflect these powers to prevent any subsequent challenges to any action taken.

### **Detailed Report**

1. When the Licensing Act 2003 was originally enacted in 2005, seven responsible authorities were specified to consider any application for sale of alcohol or regulated entertainment or call for a review of a licence where concerns are raised. These authorities were:

- the police
  - the departments responsible for health and safety and noise nuisance
  - the planning authority
  - the fire authority
  - the authority responsible for child protection
  - trading standards.
2. Amongst other amendments, the Police and Social Responsibility Act 2011 created two additional responsible authorities:
- the Health Authority, and
  - the Licensing Authority itself

This means that officers from the Licensing Unit are now able, where appropriate, to make representations in relation to licence applications or to call for licence reviews.

3. The Council's Constitution relating to the Head of Environment's scheme of delegation currently makes no reference either to the amendments to the Licensing Act 2003 generally or to the new powers conferred on officers.
4. As a result it is considered necessary to amend the relevant sections of the Constitution as set out at Appendix A to reflect these changes for clarification and to prevent any subsequent legal challenges.

### **Panel Procedure and Training**

5. As a result of recent changes to legislation, the opportunity has been taken to review and update documentation currently in use in respect of Licensing Panels. Attached at Appendix B are updated guides with proposed changes underlined. No changes are being proposed for the Determination procedure guide. Subject to any comments of the Committee, the revised documentation will be brought into effect immediately.
6. In addition, the meeting will be used to provide further training and information for Members on the recent legislative changes, supported by handouts circulated at the meeting.

### **Next Steps**

Subject to the views of the Committee:

- i) the recommendation to update the Constitution will pass to the Regulatory and Appeals Committee and full Council for approval prior to implementation; and
- ii) the updated Panel documentation will be introduced.

### **Background Papers**

Licensing Act 2003

Police and Social Responsibility Act 2011

The Licensing Act 2003 where acting as responsible authority