

REVIEW OF LICENSING ACT 2003 POLICY – CONSULTATION PROCESS

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Wards affected: All

PROPOSED DECISION

That the draft review of the Statement of Licensing Policy under the Licensing Act 2003 be approved for a consultation exercise as required by section 5 of the Act.

Reason for Decision

To comply with the legislative requirements of the Licensing Act 2003.

Corporate Implications

1. The proposed consultation exercise and subsequent review and publication of the policy must be carried out in order to comply with the Licensing Act 2003. Non-compliance may lead to possible legal and financial implications in that future applications determined under the Act may be challenged.

Executive Summary

2. Members will recall that the Council approved the original Statement of Licensing Policy as required by the Licensing Act 2003 in December 2004 and the first amended policy in December 2007. The most recent review was carried out in 2010. In accordance with s.5 of the Act, the Council is required to review, prepare and publish this policy at least every 5 years (previously 3 years) following a full consultation process with those persons specified within the Act and any others deemed relevant by the Council. There have been some significant changes in Licensing Law since the last review was carried out in 2010 and it is considered necessary and appropriate for a further review to now be carried out. The government recommends that the consultation process should take 3 months to enable sufficient time for those consulted to respond. The consultation process will therefore need to take place during the summer / early autumn months in order to meet the deadline in December this year.

Sustainable Community Strategy / Council Priorities - Implications

3. The revision of the Licensing Act 2003 policy contributes to the Community Plan aims in respect of Community Safety, Culture and Leisure, Environment and Economic Development.

Background and Issues

4. Due to recent changes in legislation it is considered necessary for the Licensing Act 2003 policy to be reviewed and undergo a consultation process this year.
5. The consultation process is recommended by the government to last 3 months.
6. It is proposed that an updated version of the consultation list previously used in 2010 will be utilised for this purpose.

7. It is proposed that the reviewed amended policy undergoes the consultation process from July to September, in order for the consultation responses to be considered by the Licensing Committee at its meeting on 14 November.
8. In order to achieve this, the proposed draft review must be approved by early July.
9. The current Policy has been utilised at Licensing Hearings on a regular basis for the last three years and no queries have been raised in relation to it nor has it been challenged or any improvements suggested.
10. There have, however, been some amendments to relevant legislation since the last review was carried out plus a revised Best Practice Guidance has been produced by the Home Office.
11. As a result of both of these matters some changes to the current policy are proposed which are marked in the draft revised Policy at Appendix A. The main amendments to the Policy are shown in the table at Appendix B.

Options

12. The Council is required to review and publish this policy by December 13th this year and prior to publication it must have been subject to a full consultation exercise.

Next Steps

13. If approved, the draft revised policy will be subject to a twelve week consultation exercise with a full report provided to this Committee following this exercise

Background Papers

Within Environmental Services