

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

**Officer Contact:** Mrs Caroline Steven

**DDI:** 01494 421222

**Email:** caroline.steven@wycombe.gov.uk

**Wards Affected:** All

### **PROPOSED DECISION**

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

### **Executive Summary**

The Council's Statement of Licensing Policy is required to be reviewed, prepared and published every five years following a full consultation process. The last review was carried out in 2013 and is therefore now due. The policy has been reviewed and Members are now asked to consider the draft amended policy for the purposes of a consultation exercise.

### **Policy/Community Plan Implications**

The revision of the Licensing Act 2003 policy contributes to the Community Plan Aims in respect of regeneration and cohesive communities.

### **Corporate / Legal Implications**

The proposed consultation exercise and subsequent review and publication of the policy must be carried out in order to comply with the Council's statutory duties under 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.

### **Detailed Report**

1. The Licensing Act 2003 policy must be reviewed, undergo a consultation process and be approved by Council by December 13 this year, as required by the Licensing Act 2003.
2. The consultation process is recommended by the government to last 3 months.
3. It is proposed that an updated version of the consultation list previously used will be utilised for this purpose.
4. It is proposed that the reviewed amended policy undergoes the consultation process during late Spring to early Summer, in order for the consultation responses to be considered by the Licensing Committee at its meeting on the 11<sup>th</sup> October 2018.
5. The current Policy has been utilised at Licensing Hearings on a regular basis since its last review and no queries have been raised in relation to it nor has it been challenged or any improvements suggested.
6. There have, however, been some amendments to relevant legislation since the last review was carried out, which have resulted in suggested amendments, as detailed

below. Further minor amendments have also been made for the sake of clarification or to update references.

7. The Anti-Social Behaviour, Crime and Policing Act 2014 brought changes to the Designated Public Places Order and as referred to at paragraph 3.11 of the policy has now become a Public Spaces Protection Order (PSPO), covering the same area of High Wycombe town centre. The PSPO is currently also under review and it is proposed that a power will be created which will prohibit at any time, consuming alcohol or having an open alcohol container within the restricted area of the town centre. If the person who, without reasonable excuse continues drinking intoxicating liquor in his possession when asked to stop by a police officer or an authorised person or fails to surrender anything in the person's possession which is believed to be alcohol or a container of alcohol, they will commit an offence under the legislation and is liable on summary conviction to a fine (standard scale £500) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00. The legislation also gives powers to police officers to dispose of any open can of alcohol once it has been surrendered.

The proposed revised PSPO will be subject to consultation and has to be agreed by Cabinet before it is adopted later this year.

8. It is proposed that the White Cider Initiative referred to at Paragraph 3.12 of the policy be amended to create an accreditation for responsible retailers who agree not to sell super strength alcohol products. This would include other forms of alcohol than white cider but would exclude craft speciality products.
9. Further to a number of review applications being made on the basis of illicit alcohol or cigarettes being found on licensed premises, paragraph 3.13 has been added to clarify that review applications will be considered in these circumstances and that the sale of unlawful alcohol and cigarettes is a serious matter.
10. As a result of compliance checks on the issue of child sexual exploitation carried out at hotels within the district, specific reference to licence holder's responsibilities in this respect has been added at paragraph 3.16.
11. Provisions of the Immigration Act 2016 came into force in April 2017 which prohibit premises and personal licences being issued to anyone who does not have the right to live and work in the UK. The Home Secretary (Home Office Immigration) has also become a responsible authority who can comment on licence applications or request licence reviews. These matters are referred to in paragraphs 3.35 to 3.37 and 3.43 to 3.44.
12. A new section dealing with Expedited Reviews has been added from paragraph 8.7 to 8.17 which explains the process for this type of review and how interim steps are treated during the hearing and appeal processes. Although we have not yet needed to deal with this type of application, the law relating to interim steps has recently been clarified and it is considered appropriate for this to be included within the policy.
13. The Scheme of Delegation at Appendix 1 (page 26) has been amended to include the classification of films which have not previously been classified by the British Board of Film Classification.

## **Background Papers**

Files in Environmental Services