


12 August 2015

Report of	Head of Professional Services	Author	Jon Ruder
Title	Draft Licensing Policy 2016 to 2021		 282840
Wards affected	All		

This report seeks the Licensing Committee's approval for the proposed draft of the Council's Statement of Licensing Policy and to agree to the commencement of the formal consultation process. It also sets out the form of the consultation process and how it will be undertaken.

1. Decision(s) Required

- 1.1 The Licensing Committee is asked to agree the proposed draft Statement of Licensing Policy to enable the formal consultation process on that draft to begin.
- 1.2 Members are also asked to agree to the proposed consultation process.

2. Reasons for Decision(s)

- 2.1 Under the Licensing Act 2003, the Council needs to review and readopt a Statement of Licensing Policy every five years.

3. Alternative Options

- 3.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with the current Licensing Act 2003 legislation.

4. Supporting Information

- 4.1 In drafting this Policy, particular reference has been made to the Section 182 Guidance issued under the Act by the Home Office, as amended.
- 4.2 If Members agree to the draft policy as proposed by this report the Council must consult with the following:
 - (a) the chief officer of police for the area,
 - (b) the fire and rescue authority for the area,
 - (c) each local authority's director of public health,
 - (d) persons/bodies representative of local premises licence holders,
 - (e) persons/bodies representative of local club premises certificate holders,
 - (f) persons/bodies representative of local personal licence holders, and
 - (g) persons/bodies representative of businesses and residents in its area.
- 4.3 Invitations to comment on the Policy will also be sent to all other responsible authorities, businesses, resident's groups, Ward Councillors and Town and Parish Councils. A copy of the Policy will be available for viewing and to download via the licensing link of the Council's web site.

- 4.4 At the end of the consultation period the representations received will be considered. The Policy and where appropriate any relevant representations will be referred to Counsel for consideration. This process will ensure that the Council's Policy is robust, fit for purpose and unlikely to be subject to legal challenge.
- 4.5 Once the draft Policy and any relevant consultation responses have been scrutinised by Counsel a further report will be brought back to the Committee for its final determination and agreement of the Statement of Licensing Policy and the Committee will be asked to recommend its approval and ratification to full Council.
- 4.6 It is anticipated that the consultation period will run from 17 August to 31 October. The matter will then be brought back to the Committee before being placed before Council on 10 December 2015.

5. Proposals

- 5.1 It is proposed to the Licensing Committee that it should approve the draft Statement of Licensing Policy presented to it and which is included at Appendix 1.

6. Strategic Plan References

- 6.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Consultation

- 7.1 The consultation will be undertaken in line with the methods and consultees that are detailed in paragraphs 4.2 to 4.5 of this report.

8. Publicity Considerations

- 8.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of a wide ranging public consultation and the Policy itself will be available to view and download from the Council's website.

9. Financial Implications

- 9.1 There will be costs associated with sending out the letters of consultation. There will also be a cost in referring the consulted draft Policy to Counsel for legal opinion.
- 9.2 There may also be costs incurred in defending any action brought against the Council which might seek to challenge the Statement of Licensing Policy by way of a judicial review which is why it is essential that the Policy must be scrutinised by Counsel in order to ensure that it is robust and fully compliant with the law and national Section 182 Guidance as issued by the Home Office.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft revised Statement of Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies. It will also be subject to full legal scrutiny by appointed Counsel.

11. Community Safety Implications

- 11.1 The Licensing Policy is a key component in the Council's Evening and Night time Economy strategy to tackle crime and disorder and anti-social behaviour, particularly alcohol related anti social behaviour and as such it will contribute significantly towards improving overall community safety.

12. Health and Safety Implications

- 12.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Licensing Policy. The adoption of a Statement of Licensing Policy for a further 5 years is also a legal requirement under the Licensing Act 2003.

13. Risk Management Implications

- 13.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.
- 13.2 To minimise the potential risks and costs associated with any defence of the adopted and published version of the next five year Licensing Policy against legal challenges or actions that may be brought against it, legal opinion/advice will be sought by the Licensing Authority from a Counsel who specialises in licensing matters.