

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder
Title	Amendments to the Licensing Policy		☎ 282840
Wards affected	Not applicable		

This report details proposed changes to the Statement of Licensing Policy

1. Decisions Required

- 1.1 Members are asked to consider the proposed amendments to the Licensing Policy marked in bold on the attached policy at Appendix 1.

2. Reasons for Decisions

- 2.1 The Licensing Policy, approved in January 2016, has been reviewed in the light of experience gained.

3. Alternative Options

- 3.1 To leave the Policy unchanged.

4. Matters for consideration

- 4.1 The Policy was approved by full Council in December 2015 and implemented with effect from 1 January 2016. Since its implementation a number of applications have been made and officers have had the opportunity to test the Policy. It has become apparent that the wording of the Policy, in particular in relation to the Old Town Zone is causing some misunderstanding amongst applicants.
- 4.2 The Policy as approved by Council made reference to a Special Policy for the Old Town Zone. It has never been the case that this area was designated as a cumulative impact area and as such the presumption in favour of grant is reversed. However, it has become apparent that applicants are making this assumption. In order to clarify the matter the wording has been changed and these changes are marked in bold on the attached Appendix. It makes it clear that applications are considered on their own merits, in relation to the licensing objectives and that the Council has an expectation that applicants will have regard to the Policy and the guidance it contains when submitting an application.

5. Strategic Plan References

- 5.1 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.

6. Consultation and Publicity Considerations

- 6.1 The original Policy was the subject of an extensive consultation process as prescribed by the Licensing Act 2003. In view of the fact that the revisions are clarification and do not change the Policy it is not considered that a wholesale consultation is necessary; the revised Policy will be placed on the Council's website.

7. Financial Implications

- 7.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the Statement of Licensing Policy.

8. Equality, Diversity and Human Rights Implications

- 8.1 The draft revised Statement of Licensing Policy has been prepared in accordance with and taken account of, all relevant legislation. There is an Equality Impact Assessment in Place for the Policy.

9. Community Safety Implications

- 9.1 The Licensing Policy is a key component in the Council's 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.

10. Health and Safety Implications

- 10.1 There is no known direct public health and safety issues arising from the adoption of the amended Licensing Policy.

11. Risk Management Implications

- 11.1 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.