

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Licensing Act 2003 - Statement of Licensing Policy

**Meeting/Date:** Licensing Committee  
23<sup>rd</sup> June 2015

**Executive Portfolio:** Councillor Roger Harrison

**Report by:** Head of Community

**Ward(s) affected:** All

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**Executive Summary:**

The Council is required to produce a Licensing Act 2003 Statement of Licensing Policy on which it will base its decisions. The production of the document requires the Council to undertake a period of consultation. This report provides the Licensing Committee with a draft of the document on which we seek to engage in consultation, and to seeks comments and approval of the Committee on the draft document and the consultation proposals.

The costs of reviewing the statement will be set against the income from the application, and annual licence fees received under the Licensing Act 2003 regime.

**Recommendation(s):**

- (a) That Members approve the draft 'Statement of Licensing Policy' for public consultation, attached as an appendix to the report.
- (b) That the Head of Community be authorised to make any amendments to the draft statement that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any revised guidance issued by the Home Office.
- (c) That the revised final draft be put before the Licensing Committee on 20<sup>th</sup> October 2015 for endorsement to Cabinet and Full Council.

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## **1 WHAT IS THIS REPORT ABOUT/PURPOSE?**

- 1.1 The Licensing Act 2003 (the Act), requires that for each five year period, the Council must determine its policy on how it will exercise its statutory duties relating to its licensing function and publish a statement of that policy before the beginning of the period. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current Huntingdonshire District Council policy expires on 6<sup>th</sup> January 2016 and the Council is required to determine the policy for the period 7<sup>th</sup> January 2016 to 6<sup>th</sup> January 2021. The policy must be consulted upon prior to it being adopted. If the Council fails to do this, then it will be unable to fulfil its licensing duties under the Act. It is vital that we commence public consultation in order to progress the matter and meet the statutory timeframe.
- 1.3 The purpose of this report is to invite Members to approve the draft for public consultation. Following consultation a final draft will be prepared, taking into account the consultation responses.

## **2 WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Council is the 'Licensing Authority' for the purposes of the Act, having taken on its licensing responsibilities in 2005, when the Act came into effect. The Act requires the Licensing Authority to prepare and publish a 'Statement of Licensing Policy' that it proposes to apply in exercising its functions under the Act. The policy statement must be kept under review and reviewed at least every five years.
- 2.2 The Council is now required to undertake a review of its policy. The policy must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.3 The current policy, prepared in 2010, reflected the legislation and Government Guidance at that time. Since this date, there have been some substantial changes to the legislation and a number of updated versions of the Government Guidance have been issued, the latest being in March 2015. Additionally, in October 2012 the LGA published a best practice framework for the review of licensing policy statements.
- 2.4 The policy has therefore been re-drafted in its entirety, following the best practice framework and taking into account the relevant legislative changes and provisions as they now apply to Huntingdonshire District Council. The draft is attached as an appendix.

## **3 CONSULTATION**

- 3.1 Before determining or revising its policy, legislation requires the licensing authority to consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of personal and premises licences, club premises certificated and persons/bodies representative of businesses and residents in the area.
- 3.2 We propose to consult in accordance with the legislation and will be undertaking consultation by a variety of means, including our website, in libraries and council offices.

- 3.3 The timetable for completion of the consultation is tight. The Cabinet Office has produced guidelines recommending that timeframes for consultation be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. We propose to consult over a ten week period from 26<sup>th</sup> June to 4<sup>th</sup> September 2015. This will enable all comments received to be considered and reported back with a final draft to the Licensing Committee on 20<sup>th</sup> October 2015, with a view to recommending its approval.
- 3.4 Approval of the policy statement is reserved to full council but requires the consideration of the Cabinet before a recommendation can be made. Cabinet will therefore be asked to endorse the policy at its meeting to be held on 19<sup>th</sup> November 2015 for approval by the Council on 19<sup>th</sup> December 2015, in time for it to come into effect on 7<sup>th</sup> January 2016.
- 3.5 There is likely to be a need for further amendments to the draft, arising as a result of feedback from the consultation process or any additional legislative change. Any comments received will need to be considered in drawing up the final document. It will be for the Licensing Authority to ensure that it looks at the views of consultees in considering whether they should be taken into account and to what extent.

#### **4 OPTIONS**

- 4.1 We have a statutory duty to prepare and publish a statement of licensing policy, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up and adopt the final policy before 7<sup>th</sup> January 2016. If the Council fails to do this, then it will be unable to fulfil its duties.

#### **5 LEGAL IMPLICATIONS**

- 5.1 Should the Council fail to have a policy in place by 7<sup>th</sup> January 2016 and be unable to fulfil its licensing duties under the Act, possible additional financial and legal consequences may arise as a result.
- 5.1 Should the Council fails to have a policy in place by 7<sup>th</sup> January 2016, then it will be unable to fulfil its licensing duties under the Act. The Licensing Act sets out key principles of:-
- the prevention of crime and disorder,
  - public safety,
  - prevention of public nuisance, and.
  - the protection of children from harm.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Licensing Act 2003 licensing regime must remain a priority

- 5.2 The Licensing Act 2003, Section 5 places a statutory obligation on the Council to prepare its Statement of Licensing Policy

## **6 RESOURCE IMPLICATIONS**

- 6.1 The consultation will be undertaken through the Council's website, printed versions of the consultation document being available at Council Offices, and through a number of direct mailings to the statutory consultees. The cost of consultation being covered from the fees income generated under the Licensing Act 2003.

## **7 OTHER IMPLICATIONS**

- 7.1 No other implications are envisaged. The legislation sets out four licensing objectives to be followed and provides certain checks and balances to protect the local environment and community.

## **8 REASONS FOR THE RECOMMENDED DECISIONS**

- 8.1 The present statement of licensing policy must be replaced for a further period of, a maximum of, five years and kept under review. It is therefore:

### **RECOMMENDED**

- (a) that Members approve the draft 'Statement of Licensing Policy' for public consultation, attached as an appendix to the report.
- (b) that the Head of Community be authorised to make any amendments to the draft statement that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any revised guidance issued by the Home Office.
- (c) That the revised final draft be put before the Licensing Committee on 20<sup>th</sup> October 2015 for endorsement to Cabinet and Full Council.

## **9. LIST OF APPENDICES INCLUDED**

Appendix 1 – Draft Statement of Licensing Policy

### **BACKGROUND PAPERS**

Revised Guidance issued under section 183 of the Licensing Act 2003- March 2015 edition  
Beast Practice Framework for the Review of Licensing Policy Statements – October 2012

### **CONTACT OFFICER**

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