

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing Committee - 20 October 2015
Council – 16th December 2015

Executive Portfolio: Councillor Roger Harrison, Executive Councillor for
Strategic Economic Development and Legal

Report by: Chris Stopford, Head of Community

Ward(s) affected: All

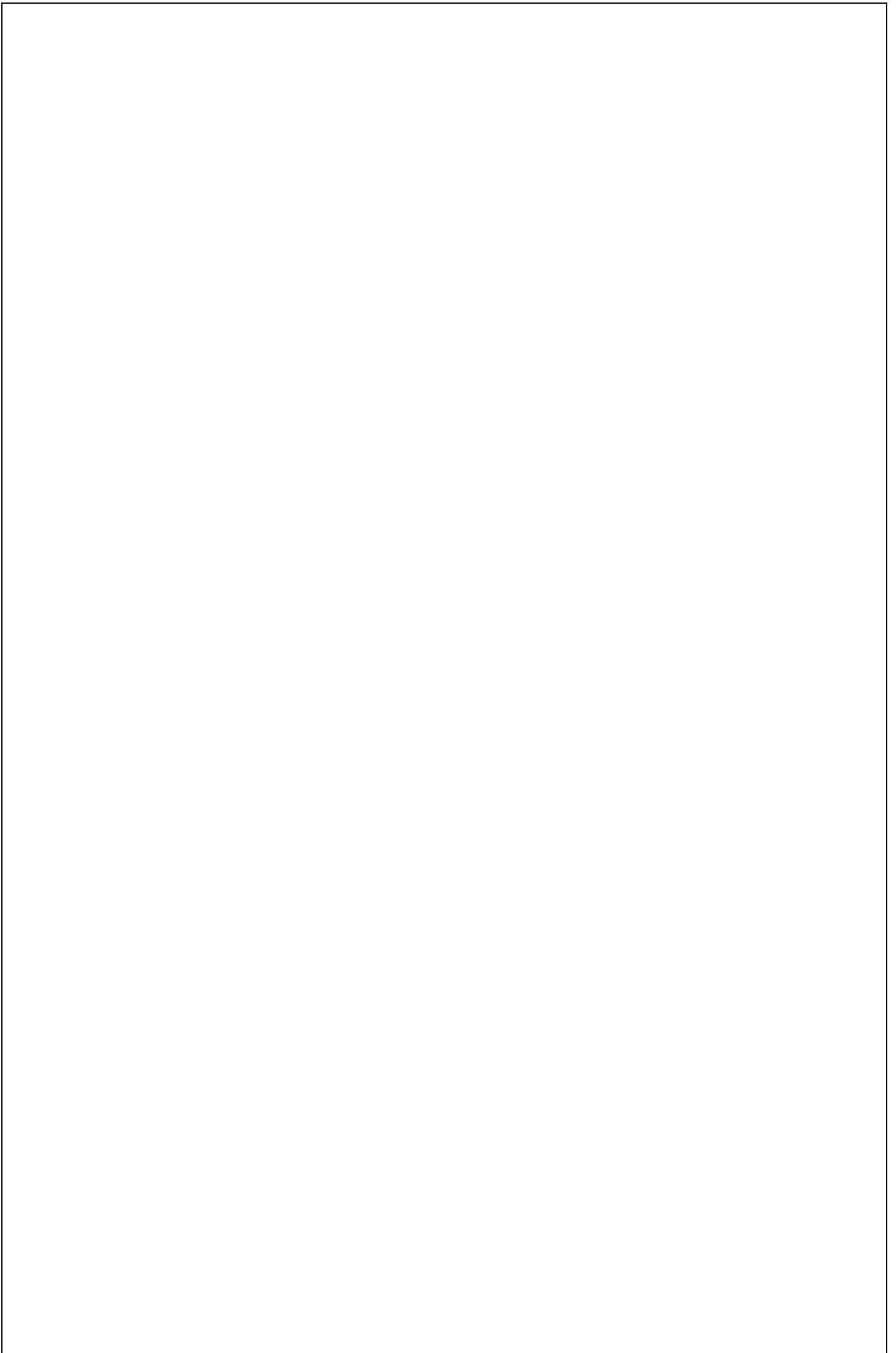
Executive Summary:

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 required the Council to undertake a period of public consultation which ended on 4 September 2015. This report provides the Licensing Committee with a draft of the final revised document and seeks the recommendation for approval of the Committee on the document, and the approval and adoption by Full Council.

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):

1. That Members of the Licensing Committee note, and provide any further comments on the Licensing Act 2003 – Statement of Licensing Policy that has been produced following the required consultation; and further recommend that the Statement of Licensing Policy be referred to Council for approval.
2. That Full Council approve and adopt the Licensing Act 2003 – Statement of Licensing Policy 2016



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 6th January 2016 and the Council is required to determine the policy for the period 7th January 2016 to 6th January 2021, having undertaken public consultation and considered any feedback. If the Council fails to do this, then it will be unable to fulfil its licensing duties under the Act. It is vital therefore that we progress the approval and adoption of the revised draft document to enable us to meet the statutory timeframe.
- 1.3 The purpose of this report is to invite Members to recommend the approval of the revised draft, having undertaken public consultation and considered all comments received.

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. It takes into account the relevant legislative changes and provisions as they now apply to Huntingdonshire District Council and all comments received as a result of public consultation. The revised document is attached as Appendix 1.

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 certificates and persons/bodies representative of businesses and residents in the area.

3.2 Ten weeks consultation took place between 26 June and 4 September in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance the legislation by a variety of means, including our website, in libraries and council offices.

3.4 It is important that the views of the consultees are taken into account. One response with comments and two acknowledgements were received. The response has been attached and is summarised in Appendix 2 with the consideration given in the drafting of the revised statement recommended for approval. The policy must comply with the Act and Statutory Guidance. For this reason, it is not always possible to adopt all suggestions put forward. Appendix 2 indicates the consideration given to each comment received and provides reasons for the decisions taken. The changes made have been highlighted in the policy.

4 OPTIONS

4.1 The Council has a statutory duty to adopt and publish a Statement of Licensing Policy before 7th January 2016 in order to fulfil its legal obligations under the Act.

5 LEGAL IMPLICATIONS

5.1 Should the Council fail to have a policy in place by 7th January 2016, then it will be unable to fulfil its licensing duties under the Act, with possible additional financial and legal consequences arising as a result. 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 cost of implementing the policy is 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 maximum period of five years and be kept under review. It is therefore:

RECOMMENDED

- 1 That Members of the Licensing Committee note, and provide any further comments on the Licensing Act 2003 – Statement of Licensing Policy that has been produced following the required consultation; and further recommend that the Statement of Licensing Policy be referred to Council for approval.
- 2 That Full Council approve and adopt the Licensing Act 2003 – Statement of Licensing Policy 2016

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Licensing Policy
Appendix 2 – Consultation response and summary

BACKGROUND PAPERS

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

CONTACT OFFICER

Christine Allison, Licensing Manager

☎ 01480 387075