

LICENSING COMMITTEE	AGENDA ITEM No. 7
18 JUNE 2015	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Peter Gell, Head of Regulatory Services Donna Hall, Public Protection Manager Terri Martin, Regulatory Officer - Licensing	Tel. 01733 453419 Tel. 01733 453514 Tel. 01733 453561

REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

R E C O M M E N D A T I O N S
1. Members are recommended to approve the commencement of the consultation on the Statement of Licensing Policy from 06 July 2015 for a period of ten weeks ending 13 September 2015.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to present and seek adoption, for purposes of statutory consultation, the draft revised Statement of Licensing Policy which is prepared in accordance with the Licensing Act 2003 and associated guidance.

2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	9 DECEMBER 2015	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

3. BACKGROUND

- 3.1 Under Section 5 of the Licensing Act 2003, it is a requirement for each Council to produce, adopt and publish a Statement of Licensing Policy. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Licensing Policy the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 3.2 The Act requires that the Statement of Licensing Policy is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a five yearly basis.
- 3.3 This is the fourth revision of the policy. However the last revision was limited only to adopt a Cumulative Impact Policy for the 'Op-Can-Do' area of Peterborough in April 2013. The last full revision was consulted between 16/8/2010 to 10/10/2010 and that policy took effect on 07/01/2011. Therefore it is due to expire on 06 January 2016. The revised Statement must be drafted and consulted upon prior to it being adopted.

- 3.4 In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued under section 182 of the Act. Like its predecessor, this draft is based on the nationally accepted template produced by the Local Government Association. The Statement has been updated in line with legislative amendments which have taken place since the last revision in 2010. A summary of the changes in legislation is attached as **Appendix A**.
- 3.5 For clarification, the Cumulative Impact (CI) Policy is included within the review process of the overall policy. The persons listed in section 4.1 of the report will be invited to comment on the existing CI policy.
- 3.6 A copy of the draft revised Statement of Licensing Policy is attached as **Appendix B**.

4. CONSULTATION

- 4.1 Before determining its Statement for any five year period (as required under s.5 of the Act), the licensing authority must consult the persons listed in s5 (3) as follows:
- a. Chief Officer of Police for the area;
 - b. The Fire Authority for that area,
 - c. Representatives of holders of Premises Licenses
 - d. Representatives of holders of Club Premises Certificates
 - e. Representatives of personal licence holders
 - f. Local Health Board or PCT
 - g. Representatives of businesses and residents in the area

- 4.2 A ten week consultation is proposed between 06 July 2015 and 13 September 2015.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Retain the status quo and operate in breach of the Licensing Act 2003 by not reviewing our Statement of Licensing Policy in accordance with section 5 of the Act.

6. IMPLICATIONS

Financial Implications – Any costs in relation to the production of the Statement of Licensing Policy will be met by income from fees.

Legal Implications – As a minimum, Licensing Authorities are required to prepare and publish, every five years, a Statement of Licensing Policy on how it proposes to carry out and exercise its functions, with a view to promoting the licensing objectives under the Licensing Act 2003.

7. APPENDICES

Appendix A - Summary of legislative changes
Appendix B - Draft Revised Statement of Licensing Policy

8. BACKGROUND DOCUMENTS

The Licensing Act 2003
Guidance issued under section 182 – March 2015
LGA Best Practice Framework for the review of Licensing Policy Statements Oct 2012
Live Music Act 2012
Police Reform and Social Responsibility Act 2011
Policing and Crime Act 2009
Anti-Social Behaviour, Crime and Policing Act 2014
Deregulation Act 2015
The Legislative Reform (Entertainment Licensing) Order 2014