

**AGENDA ITEM NO. 5**

**LICENSING COMMITTEE**

<b>Date</b>	<b>19 APRIL 2016</b>
<b>Title</b>	<b>LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY RESPONSES AFTER PUBLIC CONSULTATION.</b>

**1. PURPOSE/SUMMARY**  
 To update Members on the outcome of the consultation undertaken on the review of the draft Statement of Licensing Police and to recommend for approval a revised policy for the period 2016-2021.

- 2. KEY ISSUES**
- Public consultation took place from 10 February 2016 – 7 April 2016.
  - Section 5(1) of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years.
  - The cumulative impact policy added as a special policy to our Statement of Licensing Policy in June 2013 requires review.
  - This report provides the procedure and proposed updated policy statement.

- 3. RECOMMENDATIONS**  
 It is recommended that:
- (1) Members are requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and the special policy for the Wisbech cumulative impact area at Appendix B.
  - (2) When satisfied with the revised policy document that Members recommend to Council that it adopts the revised Statement of Licensing Policy for the purposes of Section 5 of the Licensing Act 2003.

<b>Wards Affected</b>	All
<b>Forward Plan Reference No. (if applicable)</b>	Not applicable
<b>Portfolio Holders</b>	Councillor David Oliver, Cabinet member with responsibilities for Licensing
<b>Report Originator</b>	Kim Winterton, Licensing Regulatory Manager tel: 01354 622542, email: <a href="mailto:kwinterton@fenland.gov.uk">kwinterton@fenland.gov.uk</a>
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<b>Background Papers</b>	The Licensing Act 2003 Licensing Act 2003, Section 182 Guidance The Council's Licensing Policy Statement Current Licensing Policy Government Policies and Guidance
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## 1 BACKGROUND

- 1.1 The Licensing Act requires each licensing authority to prepare and publish a statement of licensing policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives.
- 1.2 The current Statement of Licensing Policy came into effect on 7 January 2011.
- 1.3 This policy has to be renewed every five years and be subject to a full consultation process.
- 1.4 Licensing Committee on 15 January 2016 considered a report on the draft revised Statement of Licensing Policy and authorised the Licensing Regulatory Manager to consult on its contents.
- 1.5 This report includes the comments received at **Appendix B**.
- 1.6 The general principles of the licensing policy remain the same and the document is still centered around the Licensing Act's four licensing objectives, namely,
- The prevention of crime and disorder;
  - Ensuring public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 1.7 However, since the last revision there have been a number of changes through the implementation of a wide range of reforms to the Licensing Act. The policy has been revised throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State. The revised policy is **Appendix A** to this report.
- 1.8 Two of the Responsible Authorities have given a response to the consultation namely, Public Health and Police. Their comments are attached at **Appendix B**.
- 1.9 Draft changes to the revised policy at **Appendix A** include responses from Public Health at 1.23; 1.47; 1.49; additional sections include: Other Special Policies at 1.73; 1.74; 1.75 inclusive. The Police response for the CIZ Special Policy has not been added to the revised Statement of Licensing Policy at this stage.
- 1.10 The current Cumulative Impact Zone Policy and Map are at **Appendix C** to this report.
- 1.11 Following public consultation, the revised draft Statement of Licensing Policy is now ready to be recommended for adoption.

- 1.12 The Licensing Committee is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and depending on any comments/alterations/additions Members may wish to make, recommend to Council that it adopts the revised Statement of Licensing Policy for the purposes of Section 5 of the Licensing Act 2003.
- 1.13 The public consultation exercise finished on 7 April 2016 and all statutory consultees have received written notification of the draft policy document. The draft policy was made available to Town and Parish Councils, was placed on the councils website, available at council offices and library's within the district. Notification of the consultation was given in the local newspaper, to licensed business representatives, Responsible Authorities, resident associations and other public consultees inviting them to comment.
- 1.14 Although wide consultation has taken place and extended by four weeks to the 7 April 2016 contrary to the original consultation end date of 9 March 2016, there has been little response to the consultation. This may be because it is generally considered that the discretion of the Council in reviewing the Policy is limited as the Licensing Act, Government Guidance and Regulations closely prescribe how local authorities carry out the licensing functions.

## **2 LEGAL IMPLICATIONS**

- 2.1 The policy has been drafted to reflect current legislative requirements and compliance with the statutory guidance issued under Section 182 of the Licensing Act 2003. In carrying out its functions the Council is required to have due regard to the policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act. The authority may depart from its policy when it considers it appropriate to do so (in the same way that statutory guidance makes the same observation). The policy must be reviewed every five years. However, it can be reviewed more often if appropriate.
- 2.2 The licensing function is carried out by the Council's Licensing Committee and by officers exercising their delegated powers with the exception of the approval of the policy statement which must be approved by Full Council.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 Whilst there are no direct financial risks arising from this report, there will be financial costs in preparing for, and conducting the consultation and any costs involved in published the statement of licensing policy.

## **4 CORPORATE OBJECTIVES**

- 4.1 The prevention of crime and disorder is at the centre of the Licensing regime and there are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and Cambridgeshire Police. The Licensing policy acknowledges and gives information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

- 4.2 One of the licensing objectives is 'The Protection of Children from Harm'. Applicants are required to show how they will address this objective in their operational schedule when making applications. The Cambridgeshire Safeguarding Children Team is a Responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.
- 4.3 Although there is not a specific licensing objective related directly to health within the current legislation, Public Health is a Responsible Authority. Alcohol has been identified as a priority within the Cambridgeshire Health & Wellbeing Strategy. Public Health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives. As a Responsible Authority, Public Health has been a key consultee.

## **5 COMMUNITY IMPACT**

- 5.1 The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night time economy and on the co-existence of licensed premises with local residents and communities.

## **6 CONCLUSION**

- 6.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies.
- 6.2 Therefore:
- (1) Members are requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and the special policy for the Wisbech cumulative impact area at Appendix B.
  - (2) When satisfied with the revised policy document that Members recommend to Council that it adopts the revised Statement of Licensing Policy for the purposes of Section 5 of the Licensing Act 2003.