

Title of Report:	Licensing Act 2003
Report to be considered by:	Licensing
Date of Meeting:	26 September 2013
Forward Plan Ref:	n/a

Purpose of Report: To consider the updated and amended Licensing Policy Statement as required under the Licensing Act 2003 Part 2. 5. (1) (a) (b) and get agreement on it being sent out for consultation.

Recommended Action: To agree to the new version of the Licensing Policy and its release to the public for consultation.

Reason for decision to be taken: There have been some changes to the Licensing Act 2003 and the updated version of the policy statement needs to reflect these changes.

Other options considered: None

Key background documentation: The Licensing Act 2003.
Guidance issued under section 182 of the Licensing Act 2003.
DCMS Guidance.
Home Office Guidance.

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals will also help achieve the following Council Strategy principle:

- CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principle by:

CSP1 - There are elements of the policy which aim to recognise vulnerable groups and ensure that they are protected from the impacts of excessive alcohol consumption.

CSP2 - There are elements of this policy which aim to encourage good business practices and ensure that there is reliable decision making when considering regulated entertainment.

CSP7 - The policy will protect the rights of the local community through their ability to keep the licensing trade accountable for their actions using representations.

Portfolio Member Details	
Name & Telephone No.:	Councillor Dominic Boeck - Tel (07956) 546506
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Date Portfolio Member agreed report:	17 September 2013.
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Contact Officer Details	
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Implications

- Policy:** The policy once adopted will be the document by which licensing decisions must be considered and no other.
- Financial:** There will be financial implications associated with the mailing, collation and consideration of comments received, as a result of the consultation. However, these are absorbed into the general administration budget for licensing.
- Personnel:** None
- Legal/Procurement:** This proposal accords with the requirements of the Licensing Act 2003
- Property:** None
- Risk Management:** None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?		<input checked="" type="checkbox"/>	
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 The introduction of new legislation has impacted upon the way in which the Licensing Authority conducts its business.
- 1.2 The Licensing Authority must ensure that its policy is kept up to date and therefore the changes need to be reflected in a new version.
- 1.3 The policy will need to be circulated to representatives of current licence holders and statutory bodies.

2. Equalities Impact Assessment Outcomes

- 2.1 This item is not relevant to equality.

3. Conclusion

- 3.1 Officers do not believe there are any changes that should concern the Licensing Committee and that the adoption of this policy should not present any risk or financial impact on the authority.
- 3.2 The Committee should agree to the public consultation of the updated version at Appendix A.

Executive Report

1. Introduction

- 1.1 Section 5 of the Licensing Act 2003, as amended (“the 2003 Act”) requires a Licensing Authority to produce a Statement of Licensing Policy in respect of each five year period starting with the first appointed day 7th February 2005.
- 1.2 The statement of licensing policy and the guidance to the Act are the documents which the Licensing Sub Committees must have due regard to, in making decisions regarding applications for licences, variations to licences and deal with representations made against licences and which are subsequently reviewed.
- 1.3 Licensing Authorities were previously required to publish and review licensing policy statements every three years. This requirement was changed from three years to five years by amendments to the 2003 Act brought about by the Police Reform and Social Responsibility Act 2011 for any policies adopted after January 2011.
- 1.4 The Council adopted its first Licensing Policy Statement in December 2004 and was subsequently reviewed and re-adopted in 2007 and 2010. As the Council’s most recent policy was adopted prior to January 2011, it is required to be reviewed at this time.

2. Proposals

- 2.1 The draft policy attached at Appendix A contains suggested amendments to the existing Licensing Policy. All deletions, corrections and changes are shown in ‘red’, it is intended that this draft Licensing Policy, subject to consultation, will replace the current adopted Licensing Policy when finalised.

- (1) The amendments proposed to the policy relate to changes in legislation.
 - (a) The Live Music Act 2012 has exempted live music from the requirement to be licensed in certain circumstances and the policy has been amended to reflect this.
 - (b) In addition, the Police Reform and Social Responsibility Act 2011 made amendments to the 2003 Act, the main amendments are summarised below and the policy has been amended to reflect this.
 - (i) Introduced Licensing Authorities and Primary Care Trusts/Local Health Boards as responsible authorities;
 - (ii) removed the vicinity test in relation to the submission of relevant representations;
 - (iii) reduced the evidential burden on licensing authorities by changing the term necessary, used throughout the 2003 Act, to the term appropriate;
 - (iv) introduced the concept of late temporary event notices, extended those who can object to temporary event notices to include Environmental Health (in addition to the Police) and

extended the grounds upon which objections can be made to include all of the licensing objectives;

- 2.2 Introduced powers relating to Early Morning Restriction Orders and the Late Night Levy.

Appendices

Appendix A - Draft Licensing Policy Version 1

Consultees

Local Stakeholders: N/A

Officers Consulted: Brian Leahy - Team Manager Licensing, Julia Waymouth - Principal Licensing Officer, Paul Anstey - Joint Service Delivery Manager

Trade Union: None