



**COUNCIL**

**15<sup>TH</sup> DECEMBER 2015**

**AGENDA ITEM (9)**

**LICENSING ACT 2003 - REVIEW OF THE STATEMENT OF LICENSING POLICY**

<b>Accountable Member</b>	Council
<b>Accountable Officer</b>	Michelle Bignell Senior Licensing Officer 01285 623000 michelle.bignell@cotswold.gov.uk
<b>Purpose of Report</b>	The report details proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003 ('the Act'), based on legislative requirements and statutory guidance.
<b>PLANNING AND LICENSING COMMITTEE Recommendation</b>	That Council approves the reviewed Statement of Licensing Policy, attached at <b>Appendix 'A'</b> to this report.
<b>Reason for Recommendation</b>	To ensure that the Council complies with the Licensing Act 2003.
<b>Ward Affected</b>	All
<b>Key Decision</b>	Not applicable
<b>Financial Implications</b>	There are no financial implications associated directly with this report. The Council receives income through licence fees, and this covers the cost of carrying out this function.
<b>Legal and Human Rights Implications</b>	(i) The Act requires the Council to prepare and approve a Statement of Licensing Policy to cover each five-year period. The statement must contain the principles that the Council proposes to apply in exercising its functions under the Act during the period. (ii) Section 3 of the Act provides that the Council is the licensing authority for the purposes of the Act. (iii) Under the Human Rights Act 1998, when making a decision concerning any application, the relevant Committee/Sub-Committee must consider the balance between the rights of applicants and the rights of those making representations on the applications made pursuant to the Act.
<b>Environmental and Sustainability Implications</b>	None

<b>Human Resource Implications</b>	None
<b>Key Risks</b>	(i) Statement of Licensing Policy is unfair, or too prescriptive. (ii) Revised Statement of Licensing Policy is not published on time (on or by 7 <sup>th</sup> January 2016). (iii) Consultation is inadequate.
<b>Equalities Analysis</b>	Not required.

<b>Related Decisions</b>	None
<b>Background Documents</b>	(i) Guidance Issued under Section 182 of the Licensing Act 2003, Home Office - March 2015 (ii) Statement of Licensing Policy, Cotswold District Council - January 2011
<b>Appendices</b>	<b>Appendix 'A'</b> - Draft revised Statement of Licensing Policy (including tracked changes) <b>Appendix 'B'</b> - Table of amendments <b>Appendix 'C'</b> - Table of responses

<b>Performance Management Follow Up</b>	Publish the revised document by 7 <sup>th</sup> January 2016
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<p><b>Background Information</b></p> <p>1. <u>General</u></p> <p>1.1 The Council is the Licensing Authority for the purposes of the Act. The Act sets out the regulatory system that governs the provision of all alcohol, late night refreshment and entertainment premises in England and Wales. It requires the Council to prepare a Statement that it proposes to apply in exercising its functions under the Act.</p> <p>1.2 The Statement is a licensing policy which sets out the general approach the Council will take when carrying out its regulatory role under the Act. This should be kept under review and must be re-published every five years.</p> <p>1.3 The Act contains four licensing objectives, which underpin the functions that the Council and other Responsible Authorities will perform. These Objectives are central to the regulatory regime created by the Act. They are:-</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• The protection of children from harm;</li> <li>• Public Safety;</li> <li>• The prevention of Public Nuisance.</li> </ul> <p>1.4 The current Statement of Licensing Policy is due to expire in January 2016, and a new one must be in place by 7<sup>th</sup> January 2016.</p>
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1.5 The Act provides that the Licensing Authority must consult with:-

- The Chief Officer of Police for the area;
- The Fire and Rescue Authority for the area;
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences; and
- Persons/bodies representative of businesses and residents in its area.

1.6 A table of proposed amendments to the policy are attached at **Appendix 'B'**.

1.7 The document has been subject to a nine- week public consultation period - this ended on Friday 16<sup>th</sup> October 2015.

1.8 Details of the responses received are attached at '**Appendix 'C'**' - a comment is provided against each response as to how the document has been amended, or a reason why an amendment is not considered appropriate.

## 2. Planning and Licensing Committee

2.1 The Planning and Licensing Committee met on 11<sup>th</sup> November 2015 and discussed the responses.

2.2 Councillor Robert Dutton suggested that an amendment be made to paragraph 5.6 so that the sentence reads: 'The Council requires' rather than 'The Council encourages'. This change was agreed by all Members of the Committee. This was the only change made to the draft document presented to the Committee, and has been incorporated within the document at **Appendix 'A'**.

2.3 Members resolved to present the draft Statement of Principles to Council for approval.

(END)