



**AGENDA ITEM (10)**

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

<b>Accountable Member</b>	Planning and Licensing Committee
<b>Accountable Officer</b>	Michelle Bignell Senior Licensing Officer 01285 623000 michelle.bignell@cotswold.gov.uk
<b>Purpose of Report</b>	The report details the proposed revisions to the Council's Statement of Licensing Policy relating to the Licensing Act 2003, based on legislative requirements and statutory guidance.
<b>Recommendation</b>	<b>That the revised Statement of Licensing Policy in respect of the Licensing Act 2003 be recommended to the Council for consideration of approval.</b>
<b>Reasons for Recommendation</b>	To ensure that the Council complies with the provisions of the Act
<b>Ward Affected</b>	All
<b>Key Decision</b>	Yes
<b>Recommendation to Council</b>	The draft Statement of Licensing Policy, together with any comments made by the Committee, will be submitted to the Council for consideration of approval at its Meeting on 15 <sup>th</sup> December 2015
<b>Financial Implications</b>	There are no financial implications associated with this report. The Council receives income from licence fees which covers the cost of carrying out this function
<b>Legal and Human Rights Implications</b>	The Licensing Act 2003 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 function under the Act during the period.  Section 3 of the Act provides that the Council is the licensing authority for the purposes of the Act.  Under the provisions of the Human Rights Act 1998, the Committee/Sub-Committee must consider the balance between the

	rights of Applicants and the rights of those making representations concerning applications when making decisions concerning applications made pursuant to the Act.
<b>Environmental and Sustainability Implications</b>	None
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	The Statement of Licensing Policy is unfair, or too prescriptive The revised Statement of Licensing Policy is not published on time (on or by 7 <sup>th</sup> January 2016) The consultation is inadequate
<b>Equalities Analysis</b>	Not required

<b>Related Decisions</b>	None
<b>Background Documents</b>	Guidance Issued under Section 182 of the Licensing Act 2003 - Home Office - March 2015 Statement of Licensing Policy - 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>	Any relevant comments to be taken into account and may be included in the final draft which will be considered by the Council at its Meeting on 15 <sup>th</sup> December 2015
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<b>Background Information</b>	
<p>1. The Council is the Licensing Authority for the purposes of the Licensing Act 2003. The Act sets out the regulatory system governing 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 provisions of the Act.</p> <p>2. The Statement is a licensing policy which sets out the general approach that will be taken by the Council when carrying out its regulatory role under the provisions of the Act. The Statement should be kept under review and must be re-published every five years.</p> <p>3. The Act contains four licensing objectives, which underpin the functions the Council and other Responsible Authorities will perform. Those objectives, which are central to the regulatory regime created by the Act, 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> </ul>	

- the prevention of public nuisance.

4. The current Statement is due to expire in January 2016, and a new one must be in place by 7<sup>th</sup> January 2016 and a copy of the revised Statement is attached at **Appendix 'A'**.

5. The Act requires the Licensing Authority to consult:-

- the Chief Officer of Police for the area;
- the Fire and Rescue Authority for the area;
- persons/bodies who are representative of local holders of Premises Licences;
- persons/bodies who are representative of local holders of Club Premises Certificates;
- persons/bodies who are representative of local holders of Personal Licences;
- persons/bodies who are representative of businesses and residents of the area.

6. A table of suggested amendments to the policy is attached at **Appendix 'B'**. The revised Statement has been subject to a nine-week consultation period, which ended on 16<sup>th</sup> October 2015. Copies of the responses received are attached at **Appendix 'C'**, together with comments on how the Statement has been amended or reasons why they have not been taken into account.

8. Next Steps

The Council will be asked to consider approving the revised Statement so that it can be published on the Website, in order to meet the statutory deadline.

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