

Report

Council



Part 1

Date: 28 July 2015

Item No: see above

Subject Licensing Act 2003: Revised Statement of Licensing Policy.

Purpose To seek approval and adoption of the revised Statement of Licensing Act Policy 2015.

Author Public Protection Manager

Ward All

Summary The 2003 Act required the Council to prepare and publish a Statement of Licensing Policy before carrying out any function in respect of individual licence applications made under the 2003 Act. Additionally, the Act requires the Council to revise and republish the Policy at 5 yearly intervals. The current SLP is effective for the period 2011 - 2016 and the Council is therefore required to revise and republish the Statement of Licensing Policy no later than 7 January 2016. Statutory and non-statutory consultation must also take place prior to the Policy being finally determined by the Council, this consultation took place from the 9th February 2015 until 8th May 2015.

The current policy has proved to be entirely satisfactory since its adoption though it felt appropriate to fully revise the policy to make it a more “user friendly” for the Licensing Authority, Responsible Authorities, Business and other person defined in the Act. The proposed policy also is revised to take in consideration the changes in Licensing Act 2003 legislation and guidance since 2010/11.

The Licensing Committee considered the revised statement before and after its period of public consultation and at its meeting on 2 June 2015, recommended to Council that the revised the policy be adopted. This recommendation is supported by the Cabinet Member for Regulatory Functions.

Proposal That Council approves and adopts the revised 2015 Statement of Licensing Policy Licensing under the Licensing Act 2003.

Action by Head of Law and Regulation

Timetable Immediate

Signed

Background

1. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
2. The Guidance issued under the Licensing Act states that before determining its policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
 - the chief officer of police for the area;
 - the fire 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.
3. The policy must be endorsed and approved by full Council prior to its coming into force on 7 January 2016.
4. The Current policy has been in operation for just over 4 years and it has proved extremely satisfactory and has guided applicants, officers, and more importantly, the Licensing Committee, in the consideration and determination of applications. Though the policy has changed over the last 10 years the core of the policy still reflects the Council original policy brought into force in 2004.
5. As such it felt appropriate to fully revise the policy to make the policy more user friendly for applicants and those persons wishing to make representations regarding applications. Also to ensure the Policy complies with updated Guidance and regulations from the Home Office. The Policy has been developed in conjunction with all five Gwent Authority's over the last six months though each individual council policy has being adopted to meet the requirements of each individual area, a copy of the draft policy is found in the Appendix.
6. The revised Policy was presented to the Licensing Committee on the 3rd February 2015. The Licensing Committee debated the policy and agreed that the policy should to go out to formal consultation.

7. Consultation

The formal consultation ran from the 9th February 2015 until 8th May 2015. It was advertised on the Council website, alongside being "tweeted". A letter/ email were also sent to the following Trade associations: Association of Licenced Multiple Retailers, British Beer and Pub Association, British Institute of Inn Keeping, Licensed Victuallers' Association, and National Pub Watch. The letter was also sent to a number of breweries and companies who hold multiple licences within Newport, neighbouring local authorities and all Newport Licensing Act responsible bodies.

The policy changes were also presented to the City PubWatch members and to the Newport Problem Premises Group (whose membership includes all the Licensing Act Responsible Bodies).

The Authority received no comments regarding the proposed revised policy.

Following this period of public consultation, the revised Statement was once more presented to the Licensing Committee on 2 June 2015, whereupon it was agreed to recommend that Council adopt it.

8. Financial Summary

The revision of the Statement of Licensing Policy is a statutory function. The costs in carrying out the revision, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no income generated by the revision of the policy

9. Risks

The Council in carrying out its function as Licensing Authority has a statutory duty to revise its Statement of Licensing Policy every 5 years. The next revision must be published and effective no later than 07 January 2016. Prior to adoption of the policy by Council, the Licensing Committee is required to recommend to Council the adoption of the policy, if the Committee do not recommend adoption the policy may not be able to be adopted by the 7th January 2016.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Policy will not be adopted by 7 January 2016	H	L	The policy has been out for consultation with a view to it being presented to Full Council for adoption.	Public Protection Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

- 10 Ensuring that this work is completed as required by statute will support the following Council Policies and Strategies:

Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (Relevant priorities: "A Safer City").

Newport City Council Improvement Plan 15/16 (Relevant Objective: "Making City Centre Safer")

Newport's Single Integrated Plan April 2013 (Relevant themes: "To be a prosperous and thriving city"; "To have a better quality of life"; "To have vibrant and safe communities").

Options Available

11. Having regard to the Council's statutory obligation to revise the Statement of Licensing Policy, Council may decide:
- (a) That the revised 2015 Statement of Licensing Policy under the Licensing Act 2003 (Appendix) be adopted.
 - (b) To propose significant amendments to the revised Statement of Licensing Policy and then undertake a further 3 months' consultation.

Preferred Option and Why

12. The preferred option is 11(a): the revised policy builds on the previous Statement of Licensing Policy, but reflects the changes in legislation and guidance, whilst making the Policy easier to follow. The Policy is required to be approved by Council and this decision will allow it to be approved within the legislative timescale of 7 January 2016.

Comments of Chief Financial Officer

The requirement for Local Authorities to revise the Act and republish the Policy at five yearly intervals has been noted. The revision of the Statement of Licensing Policy is a statutory function and the costs associated, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no new income generated by the revision of the policy.

Comments of Monitoring Officer

The Council has a statutory duty under Section 5 of the Licensing Act 2003 to review and republish its Statement of Licensing Policy every 5 years. Therefore, the current policy needs to be formally reviewed and republished by January 2016. The draft revision of the Policy reflects changes in legislation and statutory guidance since the last statement was published, in particular the changes made by the Police and Social Responsibility Act, and are also consistent with the current guidance issued by the Secretary of State under Section 182 of the 2003 Act. However, apart from these legislative updates and making the policy more “user friendly”, the Licensing Statement remains broadly the same. The Licensing Committee has previously agreed that the draft Statement should be the subject of prior consultation and the Council has consulted various responsible authorities, as required by the legislation, and also the public generally. No adverse comments or objections have been received. Therefore, the Licensing Committee has now recommended the approval of the revised Statement by Council. Because the revised Statement of Licensing Policy is part of the Council’s policy framework under the Constitution, it will need to be formally approved and adopted by full Council prior to January 2016.

Staffing Implications: Comments of Head of People and Business Change

The report relates to the draft Statement of Licensing Policy and there are therefore no staffing implications. The draft Statement has been developed following consultation and in line with the 2003 Act and takes account of current policy and strategy.

Comments of the Cabinet Member for Regulatory Functions

I am satisfied that the 2015 Statement of Licensing Policy has been revised appropriately and support the recommendation that Council adopts it.

Appendix

Appendix –Revised Statement of Licensing Policy under the Licensing Act 2015

Background Papers

Licensing Act 2003

Section 182 Guidance

LGA Best Practice Framework for the Review of Licensing Policy Statements October 2012