

Telford & Wrekin Council

Licensing Committee – 9th June 2015

Review of the Council's Statement of Licensing Policy

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the requirement to review the current Statement of Licensing Policy and to approve a twelve week consultation with affected persons and bodies.

2. Recommendations

- 2.1.1 That Members approve the revised Statement of Licensing Policy.
- 2.1.2 That Members approve a twelve week consultation to review the Statement of Licensing Policy beginning on 22nd June 2015 and ending on 14th September 2015.

3. Summary

- 3.1 The first Statement of Licensing Policy issued under the Licensing Act 2003 by this Licensing Authority, came into effect on 7th January 2005. It was revised on 7th January 2008, and an interim review revised it again on 1st December 2009. The Statement of Licensing Policy was previously reviewed every three years, but now must be reviewed every five years as a statutory requirement, and the current Statement of Licensing Policy has been in place since 7th January 2011.
- 3.2 The revised Statement of Licensing Policy which is the subject of this report, must be consulted on with persons and bodies listed in section 5(3) of the Licensing Act 2003, and will need to be approved by Full Council on 26th November 2015. The policy must take effect from 7th January 2016.

4. Previous Minutes

- 4.1 **Licensing Committee 13th October 2010 Minute No. LC-35**
Borough of Telford & Wrekin 25th November 2010 Minute No. 58

5 Information

5.1 Background.

- 5.1.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every five years detailing how it will exercise its licensing functions under the 2003 Act.
- 5.1.2 The current Statement of Licensing Policy issued by this Licensing Authority came into effect on 7th January 2011 and must now be reviewed again.
- 5.1.3 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Home Office has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document, along with Best Practice Guidance issued by the Local Government Association (LGA) and the Licensing Policy Forum.
- 5.1.4 The Licensing Authority must carry out its functions, including its Statement of Licensing Policy, with a view to promoting the Licensing Objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.1.5 The majority of the proposed changes to the policy are due to changes in the law, and so some sections have been amended to reflect these changes, and other sections have been added on the following:
- Sexual Entertainment
 - The Licensing Authority as a responsible authority
 - Health as a responsible authority
 - Early Morning Restriction Orders
 - Late Night Levy
 - Non-Payment of Annual Fee

The policy has also been revised in places to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.

- 5.1.6 Some changes to the Statement of Licensing Policy, such as changes to legal terms, titles of publications or contact details, have not been highlighted in the revised policy. These changes and the reasons for not highlighting them are explained in red on the first page of the

policy. All other amendments are highlighted in blue on the revised policy document at **Appendix A**.

5.1.7 Section 5 of the Licensing Act 2003 requires the Licensing Authority to consult with:

- the chief officer of police for the licensing authority's area,
- the fire authority for that area,
- each Local health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National health Service act 2006 are exercisable in respect of any part of which is in the licensing authority's area
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

In addition to the statutory consultees, the Licensing Authority will also write to all premises licence holders in the area, town and parish councils, local community organisations and national organisations inviting comments. A full list of those we have consulted with will be at Appendix C of the Statement of Licensing Policy. The revised Statement of Licensing Policy will also be made available at Council Offices and local libraries and a copy will be posted on the Council's website similarly inviting comments.

5.2 Equal Opportunities

5.2.1 As described in the revised Statement of Licensing Policy and as part of the consultation process, a wide range of organisations, bodies and individuals will be approached and given the opportunity to make their views known in relation to the Revised Statement.

5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of children from harm in determining any application.

5.2.3 Following the formal consultation, a Communities Impact Assessment will be carried out which will be included with the report when the review of the Statement of Licensing Policy goes back before Licensing Committee in October 2015.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 **The Licensing Act 2003 section 5 states that each licensing authority must in respect of each five year period determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before that date.**

Before determining its policy for a five period, a licensing authority must consult

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority in that area,
- (ba) each Local Health Board for an area any part of which is in the licensing authority's area
- (bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that local authority, and
- (f) such other persons as the licensing authority considers to be representative of business and residents in its area.

A licensing statement must specify the five year period to which it relates.

TS 12 May 2015

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- protect and create jobs as a 'Business Supporting, Business Winning Council'
- protect and support our vulnerable children and adults
- ensure that neighbourhoods are safe, clean and well maintained

- improve the health and wellbeing of our communities and address health inequalities

5.6 Financial Comment

5.6.1 There are no financial implications for this report.

5.7 Opportunities and Risks

5.7.1 In proposing the decision to be made concerning the review of the Statement of Licensing Policy under the Licensing Act 2003 the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision have been identified and assessed and arrangements will be put in place to manage them.

5.7.3 A failure to consult widely with those statutory consultees listed in section 5(3) of the Licensing Act 2003, and a failure to publish the Statement of Licensing Policy by 7th January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities under s182 of the Licensing Act 2003, could give rise to challenge by way of judicial review and the associated costs involved with this. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1.1 This report has implications for all wards in the Borough.

7. Background Papers

7.1 Licensing Act 2003

7.2 Guidance issued under S.182 of the Licensing Act 2003

7.3 Telford & Wrekin Statement of Licensing Policy.

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