

FULL COUNCIL

16th DECEMBER 2015

REPORT OF HEAD OF REGULATORY SERVICES

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

1.0 PURPOSE OF REPORT

1.1 To inform members of this Council's responsibility to review its licensing policy and invite members to approve this reviewed policy. Appendix 1

1.2 RECOMMENDATIONS

2.1 **That Full Council adopt this Policy.**

3.0 KEY ISSUES

3.1 The Licensing Act 2003 requires the Council to review its Licensing Policy every three years. Licensing Act 2003 S.5 (1) (a)

3.2 All Licensing Authorities are required to produce and publish a reviewed Statement of Licensing Policy to take effect no later than.

3.3 The main changes in the consultation are summarised below:

- **Live Music Act 2012:** update following changes in legislation.
- **Cumulative Impact:** amendment to incorporate all licensed premises within a designated area of Melton Town Centre.
- **Responsible Authority Role:** inclusion of the Licensing Authority within the list of responsible authorities.
- **Suspension of Premise Licence for Non-Payment of Fees:** update following changes in legislation.
- **Early Morning Restriction Orders (EMROs):** ability to adopt strategy following changes in legislation.
- **Late night levy:** as above.
- **Fees:** ability to suspend a license following non-payment of annual fee.
- **Premises Licensed for the Sale of Alcohol:** additional condition regarding training.
- **Duplication:** clarity for enforcement purposes.
- **Personal Licenses:** taking into consideration a police objection.
- **Temporary Event Notices:** update following recent changes in legislation.

3.4 The publicity and consultation associated with the Statement have given rise to comments from Public Health England, details of which are summarised in section 11 below. Many of the suggestions made related directly to the Licensing objectives can be incorporated into the Statement and are highlighted in Appendix

A. However, some question the scope and application of the powers conferred under the Licencing Acts and it is considered that further discussion with Public Health England is desirable. In the event that they give rise to further amendments, a revised version of the Statement will be presented to Full Council

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 This Policy will determine the principles that the Council intend to apply in exercising their functions as the Licensing Authority under the act.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no Financial or other resource implications.

6.0 LEGAL IMPLICATIONS/POWER

6.1 This review of the Licensing Policy has been undertaken in accordance with the requirements of the Licensing Act 2003.

7.0 COMMUNITY SAFETY

7.1 The act contains four Licensing Objectives which underpin the functions that this authority will perform. These objectives are central to the regulatory regime of the Act. They are:

- Public safety
- The prevention of crime and disorder
- The prevention of public nuisance; and
- The protection of children from harm.

8.0 EQUALITIES

8.1 There are no changes that affect the Equalities Impact Assessment Report.

9.0 RISKS

9.1 There are no risks relating to this report.

10.0 CLIMATE CHANGE

10.1 There are no Climate Change implications relating to this report.

11.0 CONSULTATION

11.1 This reviewed Licensing Policy has been prepared following consultation with the general public, Responsible Authorities, Interested Parties and Bodies representing business and residents. Proper consideration has been given to the comments received. 2 Responses were received, from Leicestershire Constabulary and from Trading Standards, minor alterations were made in the light of these responses.

11.1 Consultation has taken place in accordance with the Gambling Act 2005.

- 11.2 The consultation carries a 12 week period which has been advertised as between 2nd October 2015 and 31st December 2015. Consultees were requested, where possible to provide any responses or comments prior to the 4 December 2015 in order to assist with timetables associated with the presentation of responses to Council; they were advised that comments received after this date but within the 12 week period will still be taken in to consideration prior to adoption of the final policy.
- 11.3 As of the date of this report, there has been one response to this consultation. This is from Public Health, England (Leicestershire County Council) and are summarised as follows:

Consultation Reply	Comments of Head of Regulatory Services
The Director of Public Health should be a consultee for future policy development	Noted, the Director will be included in all such consultations in future.
<p>Public Health should be added as a non statutory objective of the licensing system. The following ways are suggested:</p> <ul style="list-style-type: none"> • Public Health consulted on applications • Public Health should be part of the balance of the issues for the purposes of decision making • Apply conditions to licenses to address sleep deprivation and physical harm from violence/accidents • Citing public health as an integrated strategy 	<p>Conditions on licenses are required to be “ appropriate for the promotion of the licensing objectives’. It is considered therefore that there is scope to include examples relating to harm and injury as aspects of public Safety and Crime and Disorder, wider public health issues arising from the consumption of alcohol would not fall within the scope of conditions.</p> <p>Public Health is however clearly a strategy that should be integral; to Licensing Policy and can be included as suggested.</p>
Propose the extension of the alcohol Cumulative Impact Zone (CIZ) to the north east where there is also evidence of alcohol related crime.	It is agreed that the evidence from Public Health England is a suitable source and on this basis the revised extent of the CIZ is accepted.
Add that harm to health is also a factor related to the CIZ and description of evidence to support its inclusion	It is considered that further discussion is required to establish whether public health objectives can be included (see para 3.4 above)

- 11.3 It is requested that delegated authority be granted to the Head of Regulatory Services in order to determine any future comments submitted before 31st December 2015.

12.0 WARDS AFFECTED

- 12.1 All wards

Contact Officer: Justine Warner – Licensing and Compliance Officer
Date: 4th December 2015

Appendices : Appendix 1 - Draft Licensing Policy
Appendix 2 – List of consultees
Appendix 3 – Map of CIZ

Reference : X:\Cttee, Council & Sub Cttees\Council Meetings\2015 16