

## FULL COUNCIL

13 December 2017

### REPORT OF HEAD OF REGULATORY SERVICES

#### LICENSING ACT 2003 REVIEW OF STATEMENT OF LICENSING POLICY

#### 1.0 PURPOSE OF REPORT

- 1.1 To advise members of amendments to this Council's Statement of Licensing Policy.

#### 2.0 RECOMMENDATIONS

- 2.1 **That Full Council consider the amended policy after consultation period and adopt it on 1<sup>st</sup> January 2018.**

#### 3.0 KEY ISSUES

- 3.1 On 16 December 2015 Full Council approved the current Statement of Licensing Policy in relation to the Licensing Act 2003, which came into effect on 7<sup>th</sup> January 2016.
- 3.2 On 19 August 2016 Melton Town Centre was assessed on its suitability to hold the Purple Flag award. The assessment was successful and a subsequent report was provided offering recommendations for the future, one of which was to remove the Cumulative Impact Zone from the existing Statement of Licensing Policy.
- 3.3 Further to the recommendation by the Purple Flag assessors at 3.2, amendments were made to the Draft Statement of Licensing Policy 2017 to reflect this where section 5.8 was added as follows:  
*5.8 This Current Special Policy on Cumulative Impact will only apply to applications for new premises licences or club premises certificates or material variations where the Licensable Activities, as defined in the Licensing Act 2003, occur between the hours of 23:00 and 07:00.*
- 3.4 On 26 June 2017 the Licensing & Regulatory Committee agreed to amend the Current Special Policy on Cumulative Impact as at 3.3 and also, that the revised policy at **Appendix 1** be presented to Full Council for an agreement to commence the 12 week consultation process.
- 3.5 On 19<sup>th</sup> July Full Council agreed to commence a 12 week consultation policy from 31 August 2017 – 23 November 2017.
- 3.6 The publicity and consultation associated with the statement has given rise to two representations.  
One representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.  
The second Representation is highlighted in Appendix 4.

3.5 In order to provide clarity for the users of this policy and ensure compliance with the Licensing Act 2003 the following has also been added to the Current Special Policy on Cumulative Impact:

*5.9 The Current Special Policy on Cumulative Impact will only come into effect where relevant representations are received in relation to a specific application. If there are no representations the licensing authority must grant a premises licence/club premises certificate in accordance with the application.*

3.6 Other minor changes to the Statement of Licensing Policy include formatting of the document and the inclusion of the list of consultees, the map of the Cumulative Impact zone and “pool of model conditions” as are referenced to in the policy.

#### **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.

Two Responses were received, one representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.

The second Representation from a Licence holder is highlighted in Appendix 4  
No alterations were made in the light of these responses.

11.2 The consultation carries a 12 week period which has been advertised as between 31 August 2017 and 23 November 2017.

11.3 Consultation has taken place in accordance to the Licensing act 2003.

## **12.0 WARDS AFFECTED**

12.1 All wards

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Contact Officer: Simon Greensmith – Licensing and Compliance Officer  
Date: 23<sup>rd</sup> November 2017

Appendices : Appendix 1 - Draft Licensing Policy  
Appendix 2 – List of Consultees  
Appendix 3 – Map of CIZ  
Appendix 4 - Representation

Reference : X:\Cttee, Council & Sub Cttees\Council Meetings\2017\18