

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 11 SEPTEMBER 2013

Title of report	REVIEW OF STATEMENT OF LICENSING POLICY
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Purpose of report	To inform the Licensing Committee of progress made to review the Statement of Licensing Policy
Council Priorities	Business & Jobs Homes & Communities
Implications:	
Financial/Staff	No additional financial or staffing implications
Link to relevant CAT	Business CAT
Risk Management	There is a risk that the Council's Statement of Licensing Policy is challenged. Legal advice has been sought in its preparation to mitigate the risk of challenge
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified have been actioned
Human Rights	Article 1 of Protocol 1 provides that everyone is entitled to the peaceful enjoyment of his possessions except in the public interest and subject to the conditions provided by the law
Transformational Government	This relates to the new ways in which council's are being asked to deliver their services
Comments of Head of Paid Service	Report is satisfactory
Comments of Section 151 Officer	Report is satisfactory

Comments of Monitoring Officer	Report is satisfactory
Consultees	As required under section 5(3) of the Licensing Act 2003 – Listed in Section 4
Background papers	DCMS – Guidance issued under Section 182 of the Licensing Act 2003 – October 2012 Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents Licensing Act 2003 – Statement of Licensing Policy – Issue 5 Statement of Licensing Policy - Licensing Act 2003 (Issue 5)
Recommendations	THAT LICENSING COMMITTEE NOTE PROGRESS MADE AND APPROVAL TIMELINE OF THE DRAFT STATEMENT OF LICENSING POLICY

1.0 BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years.
- 1.2 The current policy (issue 5) was determined by Council on 26 October 2010 and came into force on 7 January 2011 and shall remain valid until 7 January 2016 unless amendments are necessary before this date. A decision has been made to review the policy now as a result of changes in the law and guidance. This is explained further at paragraph 2 below.
- 1.3 The purpose of this report is to notify Licensing Committee of progress made and that a draft report will be presented to Licensing Committee for comment on 27 November 2013

2.0 DRIVERS RESULTING IN THE DECISION TO REVIEW THE CURRENT POLICY NOW

- 2.1 The Secretary of State for the Department for Culture, Media and Sport must issue and, from time to time, may revise Guidance to Licensing Authorities on the discharge of their functions under the Licensing Act 2003. Section 4 of the Act provides that, in carrying out its functions, a licensing authority must 'have regard to' the guidance. The Guidance is therefore binding on licensing authorities to that extent.
- 2.2 Amended Guidance was issued in October 2012. The purpose of the new guidance was to provide advice to licensing authorities in relation to the implementation of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012. The draft policy reflects these changes introduced by the amended guidance.

3.0 PROPOSED CHANGES TO CURRENT POLICY

The following list of amendments have been made:

- 3.1 The profile of the district in relation to premises licensed under the Licensing Act 2003 has been explained in more detail.

- 3.2 The insertion of an explanation of the Live Music Act 2012.
- 3.3 The Licensing Authority has been added to the list of Responsible Authorities
- 3.4 The insertion of an explanation of an Early Morning Alcohol Restriction Order
- 3.5 The insertion of an explanation of a Late night levy
- 3.6 The draft policy sets out criteria and considerations which applicants should bear in mind when putting together their application. This improved guidance is expected to result in fewer representations being made reducing the need for hearings.
- 3.7 A refresh of the current cumulative impact policy in Ashby Town Centre
- 3.8 An amendment to the section on Temporary Event Notices to reflect legislative changes

4.0 CONSULTATION AND APPROVAL PROCESS

- 4.1 A consultation process began on 11 July 2013
- 4.2 The consultation process will end on 29 September 2013
- 4.3 Section 5(3) of the Licensing Act details a list of bodies/persons that must be consulted. All of the statutory consultees have been consulted.
- 4.4 A draft policy will be submitted to Licensing Committee on 27 November for their consideration and comment
- 4.5 A draft policy will be taken to Strategy Group on 16 December for their consideration and comment
- 4.6 A draft policy will be taken to Council on 21 January 2014 for consideration and adoption