

**LICENSING
COMMITTEE**

25th November 2013

LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To ask Members to consider a draft revised Statement of Licensing Policy and to approve this draft for the purpose of consultation with all relevant parties.

2. RECOMMENDATIONS

Members are asked to **RESOLVE**;

That the draft revised Statement of Licensing Policy shown at Appendix 1 is approved for the purpose of consultation with all relevant parties.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of the consultation exercise will be met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy and to keep its Policy under review. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.

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Service / Operational Implications

- 3.3 Bromsgrove District Council's existing statement of Licensing Policy was published on 7th January 2011
- 3.4 Section 5 of the Licensing Act 2003 currently requires Licensing Authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement must be approved by Council and published no later than 7th January 2016.
- 3.5 Whilst the Council are not legally required to review the Statement of Licensing Policy for another 2 years, it is felt desirable to review the Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Policy was published in January 2011.
- 3.6 A draft revised Statement of Licensing Policy can be seen at Appendix 1.
- 3.7 The policy has been completely redrafted and is based on a template provided by the Local Government Association. It is intended that a Statement of Licensing Policy based on this template will be adopted by all of the licensing authorities in Worcestershire.
- 3.8 The legislative changes reflected in the policy include:
- The introduction of the Licensing Authority as a Responsible Authority
 - The introduction of the relevant Heath Body as a Responsible Authority
 - The removal of the vicinity test
 - The reduction of the evidential burden on Local Authorities
 - The changes made to Temporary Events Notices
 - The power to suspend licences for non payment of fees
 - The power to introduce Early Morning Restriction Orders and a Late night Levy
 - The Live Music Act 2012
 - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013
- 3.9 Section 5 (3) of the Licensing Act 2003 also makes it a requirement that before determining or revising its Policy for a three year period, a Licensing Authority must consult:-

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- (a) the Chief Officer of Police for the Licensing Authority's area;
- (b) the Fire Authority for that 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 Authority; and
- (f) such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.

3.10 The Committee is asked to approve the draft revised Statement of Policy for the purpose of consultation with all relevant parties.

3.11 The consultation will be carried out for a period of twelve weeks and responses received during the consultation will be brought before the Committee during 2014 and considered fully before a revised Statement of Licensing Policy is formally approved.

4. RISK MANAGEMENT

4.1 If the Statement of Licensing Policy is not reviewed and updated, the decisions taken by the Council under the Licensing Act 2003 could be subject to legal challenge.

5. APPENDICES

Appendix 1 – Draft Revised Statement of Licensing Policy

6. BACKGROUND PAPERS

Existing Statement of Licensing Policy

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