

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

Relevant Portfolio Holder	Councillor P J Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st April 2014. In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Licensing Policy must be published by 1st April 2019.

The Licensing Committee have previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised Statement of Licensing Policy shown at Appendix 2 be approved and published to take effect on 1st April 2019.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. 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.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
- the chief officer of police for the authority's area;
 - the fire and rescue authority for that 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 an area 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.

Service / Operational Implications

- 3.5 Bromsgrove District Council's existing Statement of Licensing Policy was published with effect from 1st April 2014.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1st April 2019.
- 3.7 On 11th June 2018, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The revised policy contained a number of amendments and additional sections that have been made to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1st April 2014.
- 3.10 The changes that have been made were shown by way of “track changes” within the document and the more significant changes that have been made are also summarised below.
- 3.11 A new section has been included to explain the implications of the Immigration Act 2006 on the exercise of the Council’s functions under the Licensing Act 2003.
- 3.12 New sections have been included providing information on how the Council will deal with applications for personal licences and how it will deal with situations where it is considering suspending or revoking personal licences. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.13 The section explaining the Live Music Act 2012 and other entertainment licensing deregulation has been updated to reflect further deregulatory measures that have taken effect since the last Statement of Licensing Policy was published.
- 3.14 The section regarding cumulative impact has been rewritten to reflect changes that have been made to licensing authorities powers to adopt special policies on cumulative impact as a result of the provisions of the Policing and Crime Act 2017.
- 3.15 A new section has also been included providing information in relation to the local powers to deregulate the licensing of late night refreshment providers that were introduced under the Deregulation Act 2015.
- 3.16 Consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Service
 - Worcestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Relevant Interest Groups, Charities and Associations
 - Parish Councils

- 3.17 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press. The consultation exercise commenced on 6th July 2018 and concluded on 12th October 2018.
- 3.18 A total of five responses were received during the consultation. These responses came from:
- Public Health (Worcestershire County Council)
 - The Musicians Union
 - Alvechurch Parish Council
 - Wythall Parish Council
 - Dodford and Grafton Parish Council
- 3.19 The Director of Public Health has requested that a section be added to the statement of licensing policy in all districts recognising the contribution of public health to the licensing process. Such a section has been added into the draft revised Statement of Licensing Policy between paragraphs 7.21 and 7.23.
- 3.20 The response from the representative of the Musician's Union (MU) raised a number of comments and can be seen at **Appendix 1**.
- 3.21 In response to the first comment raised by the MU, paragraph 6.14 has been reworded to reduce the risk of it being misunderstood.
- 3.22 In response to the second comment from the MU, "music wind-down policies" are policies that some venues implement to reduce the volume and tempo of music playing at the premises in the run up to the premises closing in the hope that this will have a calming effect on the patrons meaning that when they leave the premises, they do so in a more quiet and orderly fashion.
- 3.23 In response to the third comment made by the MU, paragraph 6.23 has been amended so as to encourage all applicants for premises licences to seek the advice of the Fire and Rescue Service on safe occupancy levels, regardless of the licensable activities to be provided.
- 3.24 In response to the next comment from the MU, a new paragraph has been inserted (at 6.29) to highlight the fact that the Music Venue Trust charity can provide advice to music venues.

- 3.25 In response to the next comment from the MU, it is recognised that chapter 22 of the Statement of Licensing Policy is somewhat wordy, but this reflects the piecemeal way in which the Government has set about deregulating entertainment licensing in the past six years and is difficult to avoid. The chapter needs to explain all the deregulatory measures made in relation to entertainment licensing, not just those enacted by the Live Music Act 2012 (as amended).
- 3.26 Paragraph 22.1 has however been amended to reflect the increased capacity figure following the amendment of the Live Music Act 2012 made by the Legislative Reform (Entertainment Licensing) Order 2014.
- 3.27 Paragraph 22.3 of the policy has also been deleted as it is accepted that since the Legislative Reform (Entertainment Licensing) Order 2014, there is no distinction between the deregulation of live and recorded music and the paragraph is therefore no longer necessary.
- 3.28 Both Alvechurch Parish Council and Wythall Parish Council responded to the consultation to confirm that they have no comments to make on the draft revised Statement of Licensing Policy.
- 3.29 Dodford and Grafton Parish Council responded to the consultation to say that they felt paragraph 21.4 was too vague and that a specific number should be provided. As a result, the draft revised Statement of Principles has been amended and a new paragraph inserted (at 21.5) to make clear the restrictions placed on the serving of “late” temporary event notices by personal licence holders and others.
- 3.30 Members are asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 2** be approved and published to take effect on 1st April 2019.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1st April 2019 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

5. APPENDICES

Appendix 1 – Response from The Musician’s Union

Appendix 2 – Draft Revised Statement of Licensing Policy

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