

**Report to:** Licensing & Regulatory Committee **Date of Meeting:** 23<sup>rd</sup> September 2013  
Council 21<sup>st</sup> November 2013

**Subject:** Final draft revised Statement of Licensing Policy – Licensing Act 2003

**Report of:** Director of Built Environment **Wards Affected:** All

**Is this a Key Decision?** No **Is it included in the Forward Plan?**  
No

**Exempt/Confidential** No

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### Purpose/Summary

To seek Council approval of the revised Statement of Licensing Policy.

### Recommendation(s)

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Licensing Policy, <http://modgov.sefton.gov.uk/moderngov/documents/s48462/LR23rdSeptember2013FinalRevisedLicensingPolicyReportAnnex1.pdf> (Annex 1); and,
- ii) Refer the agreed revised Statement of Licensing Policy to Council for approval.

That Council:

- i) Approve the revised Statement of Licensing Policy, as per the following link. <http://modgov.sefton.gov.uk/moderngov/documents/s48462/LR23rdSeptember2013FinalRevisedLicensingPolicyReportAnnex1.pdf> (Annex 1).

### How does the decision contribute to the Council's Corporate Objectives?

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council	√		

	Services and Strengthening Local Democracy			
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**Reasons for the Recommendation:**

To enable the timely revision of the Statement of Licensing Policy.

**What will it cost and how will it be financed?**

**(A) Revenue Costs** N/A

**(B) Capital Costs** N/A

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b>	The Head of Corporate Legal Services ( <b>LD1750</b> ) has been consulted and has no comments to add.	
<b>Finance</b>	The Head of Corporate Finance and ICT has no comments on this report because the contents of the report have no financial implications. ( <b>FD2445</b> )	
<b>Human Resources</b>	None.	
<b>Equality</b>		
1. No Equality Implication		<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated		<input type="checkbox"/>
3. Equality Implication identified and risk remains		<input type="checkbox"/>

**Impact on Service Delivery:**

None.

**What consultations have taken place on the proposals and when?**

The proposed consultation process was considered appropriate by the Sefton Public Engagement and Consultation Standards Panel on 9th November 2012 and the consultation took place between 1<sup>st</sup> May 2013 and 24<sup>th</sup> July 2013.

**Are there any other options available for consideration?**

Publication of the Statement is a legal obligation and therefore there are no alternative options.

## **Implementation Date for the Decision**

Immediately following the Committee Meeting.

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## **Background Papers:**

- The Licensing Act 2003.
- The Police Reform and Social Responsibility Act 2011.
- SI No. 1129 (C.38) / 2012 *The Police Reform and Social Responsibility Act 2011 (Commencement No. 5) Order 2012.*
- Guidance issued under Section 182 of the Licensing Act 2003.
- Report to Licensing & Regulatory Committee, 28<sup>th</sup> May 2012 – *Changes to the Licensing Act 2003.*
- Report to Licensing and Regulatory Committee, 19<sup>th</sup> November 2012 – *Licensing Act 2003 – proposed timetable for revision of Statement of Licensing Policy.*
- Report to Licensing and Regulatory Committee, 11<sup>th</sup> March 2013 - *Draft revised Statement of Licensing Policy – Licensing Act 2003*
- Project proposal to Sefton Public Engagement and Consultation Standards Panel, 9<sup>th</sup> November 2012 - *Revision of Statement of Licensing Policy.*
- Existing Statement of Licensing Policy.

## **1. Background**

- 1.1 Members will recall that Section 5 of the Licensing Act 2003 (“the LA03”) formally required that the Licensing Authority had to prepare and publish a statement of its licensing policy (“the Policy”) every three years and that changes made to the LA03 by the Police Reform and Social Responsibility Act 2011 in April 2012 extended this period to every five years.
- 1.2 Further that licensing policies published in respect of the three year period that began on 7 January 2011 are to be treated as though they apply for a period of five years beginning from that date.
- 1.3 During each five year period, the Licensing Authority must keep its Policy, in respect of that period, under review and make such revisions to it, at such times, as it considers appropriate.
- 1.4 The existing Policy has been kept under review since coming into force on 7<sup>th</sup> January 2011 and no revision has been deemed necessary to date. However, the Policy requires revising due to changes that were made to the LA03 via the Police Reform and Social Responsibility Act 2011 in April and October 2012.

- 1.5 If a licensing authority determines and publishes its Policy in this way, a new five year period commences on the date that it is then published.
- 1.6 Before determining its Policy, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
- The chief officer of police for the area;
  - The fire and rescue authority for the area;
  - The Primary Care Trust or Local Health Board for an area;
  - Persons/bodies representative of local holders of premises licences;
  - Persons/bodies representative of local holders of club premises certificates;
  - Persons/bodies representative of local holders of personal licences; and,
  - Persons/bodies representative of businesses and residents in its area.
- 1.7 The views of the above have to be given appropriate weight when the Policy is being determined.
- 1.8 In addition to the above, the Authority must also have regard to Guidance issued under Section 182 of the LA03 by the Home Office.
- 1.9 Members will also recall that at their Meeting on 19<sup>th</sup> November 2012 they endorsed the timetable for the production of the revised Policy, the details of which can be summarised as follows:

#### March 2013

- First draft presented to Members for comment.
- Agree revised draft for outside consultation.

#### May/July 2013

- Outside consultations to take place.
- Revise Policy (as necessary) as a result of consultations.

#### August/September 2013

- Present updated Policy to Licensing & Regulatory Committee for comments and any final amendments.
- Submit to full Council for agreement.

#### November 2013

- Publish revised Policy (to come into effect from 30<sup>th</sup> November 2013).

- 1.10 Due to alterations to the Council's cycle of Meetings, the earliest Meeting of the Council where this matter can now be considered is 21<sup>st</sup> November 2013 and it is therefore proposed that the Policy should now come into effect on 9<sup>th</sup> December 2013.

## **2.0 The revised Statement of Licensing Policy**

- 2.1 The consultation took place between 1<sup>st</sup> May 2013 and 24<sup>th</sup> July 2013. A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 2 to this report.
- 2.2 Further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 11<sup>th</sup> March 2013, and these are indicated below.
- 2.3 Paragraph 1.12 deleted to remove out of date information.
- 2.4 Existing Paragraphs 1.13 to 1.15 re-numbered accordingly.
- 2.5 Paragraph 2.6 revised to provide further information to applicants, to now read:
- The holder of a Personal Licence is required by the Act to report (as soon as reasonably practicable) to the Licensing Authority any change to their name or address. Similarly should they receive a conviction for any relevant criminal offence or foreign offence they must report this in writing (again as soon as reasonably practicable) to the Licensing Authority.*
- 2.6 Paragraph 5.9, beginning of bullet point list additional Responsible Authority added:
- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated.*
- 2.7 Paragraphs 2.15 and 2.16 merged to remove details of Temporary Event Notice limits which may be increased by Government, new Paragraph 2.15 to now read:
- TENs are subject to certain limits, which are set by statute, further information on these can be found on the Sefton Council website at [www.sefton.gov.uk](http://www.sefton.gov.uk).*
- 2.8 Paragraph 4.7 deleted to remove out of date information; existing Paragraph 4.8 re-numbered accordingly.