



PART A: MATTERS DEALT WITH UNDER DELEGATED POWERS

REPORT TO: LICENSING COMMITTEE

DATE: 19 DECEMBER 2017

**REPORT OF THE: DELIVERY AND FRONTLINE SERVICES LEAD
BECKIE BENNETT**

**TITLE OF REPORT: LICENSING ACT 2003 – LICENSING POLICY
DRAFT STATEMENT CONSULTATION**

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to inform Members of the requirement to issue a draft Statement of Licensing Policy in relation to the Licensing Act 2003 and seek approval to consult on the draft Statement.

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) The draft Statement of Licensing Policy be subject to formal consultation and following the consultation process, the Statement of Licensing Policy be resubmitted to the Licensing Committee in June 2018.

3.0 REASON FOR RECOMMENDATION

3.1 Under the provisions of the Licensing Act 2003, the Council as the licensing authority must keep its Statement of Licensing Policy under review and determine its Statement of Licensing Policy every five years.

4.0 SIGNIFICANT RISKS

4.1 The Council must by law review and consult on its Statement of Licensing Policy every five years and as such has no option but to review its Policy.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Section 5 of the Licensing Act 2003 ("the Act") requires all licensing authorities to determine and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. A Statement of Licensing Policy will last for a maximum of five years, but can be reviewed by an authority at any time.
- 5.2 The existing Statement of Licensing Policy has been kept under review since coming into force in March 2014 and no revision has been deemed necessary to date. However, the Statement of Licensing Policy will require revising during 2018 in order for it to take effect from March 2019 when the new five year cycle will commence.

6.0 POLICY CONTEXT

- 6.1 The Licensing Act 2003 imposes statutory requirements on the local authority as the Licensing Authority. The requirement to produce and consult on a Statement of Licensing Policy in relation to the Licensing Act 2003 has been identified.

7.0 CONSULTATION

- 7.1 Section 5 of the Act requires that the Licensing Authority consult the following on the Statement of Licensing Policy (or any subsequent revision):
- The chief officer of police for the licensing authority's area,
 - The fire authority for that 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 the holders of person licences issued by that authority, and
 - Such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 7.2 Any written consultation will follow best practice as set out by the Cabinet Office (Consultation Principles November 2013) including allowing 12 weeks for responses to the consultation. It is proposed to consult widely and publish the consultation document on the Council's website.
- 7.3 Proposed Consultation period: - 5th February 2018 to 30th April 2018.

8.0 REPORT DETAILS

- 8.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a Statement of Licensing Policy every five years. During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate. Where revisions are made, the licensing authority must publish a statement of revisions or the revised licensing statement.

- 8.2 Before determining its Statement of Licensing Policy for any five year period, the local authority must consult a prescribed list of bodies (see 7.1) above. In addition, in determining its Statement of Licensing Policy, the licensing authority must have regard to any guidance issued by the Secretary of State.
- 8.3 The determination of the Council's Statement of Licensing Policy must be made by Council and cannot be delegated to the Licensing Committee. The Council approved the existing Statement of Licensing Policy on the 6th of March 2014. The current Statement of Licensing Policy is due for revision and the consultation draft has been amended so as to include changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.
- 8.4 The consultation period will allow for 12 weeks, with a view to reporting results of the consultation back to this Committee in June 2018 and approval of the Statement of Licensing Policy by Council later in 2018. A copy of the draft revised Statement of Licensing Policy is attached at Annex A.
- 8.5 Members should note that there has been a limited number of changes to both legislation and guidance issued by the Secretary of State in the intervening 5 year period none of which materially affects the content of the current Statement of Licensing Policy. These limited changes to text can be seen at Paragraphs 13.4 and 18.9. Therefore, apart from these the current Statement of Licensing Policy will remain virtually unchanged for the years 2019-2024.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
There are no financial implications.
 - b) Legal
The Licensing Policy must be reviewed and formally adopted before March 2019.
 - c) Other
There are no other implications.

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Background Papers:

Licensing Act 2003
National Guidance issued under Section 182 of the Licensing Act 2003(as amended)
Ryedale District Councils Statement of Licensing Policy January 2014
The Licensing Act 2003 (Licensing statement period) Order 2004
The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
The Deregulation Act 2015
Licensing Act 2003 (Late Night Refreshments) Regulations 2015
The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014
The Legislative Reform (Entertainment Licensing) Order 2014
The Immigration Act 2016Policing and Crime Act 2017