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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2013</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ENVIRONMENT,STREETSCENE,FACILITIES,ICT PHIL LONG</b>
<b>TITLE OF REPORT:</b>	<b>LICENSING ACT 2003 - REVIEW OF LICENSING POLICY</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To seek Members approval for the review of the Council's Licensing Policy.

### **2.0 RECOMMENDATION(S)**

2.1 It is recommended that:

- (i) Members support the draft revision of the Council's Licensing Policy for consultation.

### **3.0 REASON FOR RECOMMENDATION(S)**

3.1 In accordance with Section 5 of the Licensing Act 2003 during each five year period the Licensing Authority must keep its Statement of Licensing Policy under review and make such revisions as it considers appropriate. As there have been a number of changes made to the Licensing Act 2003 as a result of the Policing & Crime Act 2009, the Police Reform & Social Responsibility Act 2011, the Live Music Act 2012 together with the deregulation of regulated entertainment as defined under the Licensing Act 2003, it has been necessary to review this Policy which has resulted in significant changes.

### **4.0 SIGNIFICANT RISKS**

4.1 Failure to update the revised Licensing Policy will result in a Policy that does not reflect the changes to the Licensing Act 2003 outlined above.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 In light of various legislative changes to the Licensing Act 2003, officers have taken the opportunity of scrutinising and amending the draft policy in its entirety. As a result of this exercise some of the changes made to the Policy are in relation to :

- The introduction of Early Morning Restriction Orders and the Late Night Levy
- New definition of those who can make representations
- Introduction of the Licensing Authority and Health as responsible authorities
- Explanation of the implications of the Live Music Act 2012
- A more concise outline of what is suggested in operating schedules
- Suspension as a result of non-payment of licence fees
- New appendix outlining the various delegated functions

5.2 The Licensing Policy sets out the issues that the Licensing Authority will take into account when determining licences throughout Ryedale District. The overriding aim of the Policy is to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

### **6.0 POLICY CONTEXT**

6.1 The following Policies have informed this report:

- Community Plan
- Corporate Plan
- Environmental Health Services Delivery Plan
- Corporate Risk Assessment
- Budget Policies

### **7.0 CONSULTATION**

7.1 Consultation period :- 30<sup>th</sup> September-30<sup>th</sup> December 2013

7.2 List of consultees :-

- The chief officer of police for the licensing authority's area,
- The fire authority for that area,
- Director of Public Health for that area,
- Such persons as the licensing authority consider 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 personal licences issued by that authority,
- Such other persons as the licensing authority consider to be representative of

businesses and residents in its area.

## **8.0 REPORT DETAILS**

- 8.1 A statement of licensing policy sets out how the Council, as the Licensing Authority, will exercise its licensing functions. The Council must keep its Policy under review and make such revisions to it as and when it considers appropriate. On the 4<sup>th</sup> November 2010 the Council adopted its third Licensing Policy covering the next three year period. The determination of the Council's Licensing policy must be made by Council and cannot be delegated to the Licensing Committee.
- 8.2 As a result of the changes made to Section 5 of the Licensing Act 2003 by the Police Reform & Social Responsibility Act 2011, the Licensing Authority is now advised to review its Statement of Licensing Policy and shall conduct this exercise within five years of the last review. In addition, due to the significant changes made to the Licensing Act 2003 and to the deregulation of regulated entertainment, officers recommend in accordance with Section 5(6A) of the Licensing Act 2003 that the Council's Licensing Policy is reviewed in 2013.
- 8.3 As the entire Policy will be undergoing a review, once this Policy is adopted by Council the new five year period will commence from the date on which the outgoing Policy is replaced.
- 8.4 As part of this process the draft Policy must be consulted upon before its adoption by Council. Members are asked to approve this draft Licensing Policy prior to consultation and to approve a three month consultation period commencing on the 30th of September to the 30th December 2013. A copy of the draft revised Policy is available in Annex B.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial  
The Secretary of States guidance advised that beyond the statutory requirements, it is for each licensing authority to decide the full extent of its consultation. When undertaking consultation exercises, licensing authorities should have regard to cost and time. The Department of Culture Media and Sport (DCMS) have indicated that there is no legal obligation for authorities to always embark on a full and lengthy consultation and authorities should use proportionate methods to reflect the nature of the change to the policy statement. E.g. authorities may wish to host their consultation on their websites only, or for a shorter period of time than that normally allowed. Public copies will be placed in each Council office and each public library. Copies will be available to download from the Council's website and all licensed premises and town and parish councils will be notified of the consultation document. Other than the costs of consultation no other costs will be incurred
  - b) Legal  
There are no immediate legal risks arising from this report. However, as the current Licensing Policy must be reviewed and formally adopted before January 2016, and given the number of recent changes to the Licensing Act 2003 it would be prudent to start this process now.
  - c) Other

Ryedale's Licensing Policy is fundamental to the successful operation of the Licensing system and is a core document members of a Licensing Sub Committee have regard to when arriving at licensing decisions. The revised draft Policy will be subject to a wide consultation and it is hoped the final Policy will reflect the balance between the commercial interests of the licensed trade and the communities they serve and impact on.

**PHIL LONG  
HEAD OF ENVIRONMENT**

**Author:** Steven Richmond, Health and Environment Manager  
Telephone No: 01653 600666 ext: 247  
E-Mail Address: [steve.richmond@ryedale.gov.uk](mailto:steve.richmond@ryedale.gov.uk)

**Background Papers:**

Policing and Crime Act 2009

Licensing Act 2003

National Guidance issued under Section 182 of the Licensing Act 2003(as amended)

Ryedale District Councils Statement of Licensing Policy January 2011

The Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013

Police Reform and Social Responsibility Act 2011

Live Music Act 2012

Equality Act 2010

Disability Discrimination Act 2005

