
Licensing and Regulatory Committee
Cabinet Member for Policing and Equalities

24th March 2015
26th March 2015

Name of Cabinet Member:

Cabinet Member for Policing and Equalities- Councillor Townshend

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Licensing Act 2003 - Revised Statement of Licensing Policy

Is this a key decision?

No

Executive Summary:

The purpose of this report is to seek Members' views and approval to consult on the draft revised Statement of Licensing Policy under the Licensing Act 2003.

Recommendations:

The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Licensing Policy and forward any comments to the Cabinet Member for Policing and Equalities.

The Cabinet Member for Policing and Equalities is requested to consider all comments made by the Licensing and Regulatory Committee in conjunction with the draft revised Statement of Licensing Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.

List of Appendices included:

Revised Statement of Licensing Policy

Other useful background papers:

Licensing Act 2003
Licensing Act 2003 Guidance (section 182)
Current Licensing Policy
Government Policies and Guidance

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Licensing and Regulatory Committee – 24 March 2015.

Will this report go to Council?

No

Report title: Licensing Act 2003 - Revised Statement of Licensing Policy

1. Context (or background)

- 1.1 Under the terms of the Licensing Act 2003 the Council’s Statement of Licensing Policy has to be renewed every five years. The current Statement of Licensing Policy came into effect on 6th January 2011 and a review must therefore be completed and a revised statement published by 5th January 2016.
- 1.2 This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The Policy will be relevant for all licensing decisions taken by the Council as the Licensing Authority over the next five years, commencing on 5^h January 2016.
- 1.3 The general principles of the Licensing Policy remain the same and the document is still centred around the Licensing Act’s four licensing objectives, namely
 - the prevention of crime and disorder;
 - ensuring public safety;
 - the prevention of public nuisance;
 - the protection of children from harm;
- 1.4 The revised policy complies with updated Home Office guidance and regulations. It has been developed with all 7 Warwickshire Licensing Authorities (Coventry and Warwickshire Regulators Partnership, which includes Warwickshire County Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council), although each authority has adapted the policy to suit the needs of their area and profile. A copy of the draft revised policy is attached as an Appendix to the report.

Key Changes to the Revised Licensing Act Policy

New Responsible Authorities	Licensing Authorities and Directors of Public Health are now listed as Responsible Authorities (paragraph 1.19 and 1.10)
Late Night Levy and Early Morning Restriction Order	Although the Council has not been presented with sufficient evidence to introduce either measure, the matter will be kept under review (paragraph 6.1)
Regulated Entertainment	Revised exemption following the introduction of the Live Music Act and 2014 Deregulation Order (paragraph 10.11)
Integrated Strategies	Integrated Strategies have been updated to reflect range of strategic influence and statutory controls (Section 13)
Removal of terms	Removal of term “vicinity test” Removal of term “interested party” to be replaced by “other person”

2. Options considered and recommended proposal

- 2.1 The Licensing and Regulatory Committee is requested to consider the draft revised Statement of Licensing Policy and forward any comments to the Cabinet Member for Policing and Equalities.
- 2.2 The Cabinet Member for Policing and Equalities is requested to consider any comments raised by the Licensing and Regulatory Committee in conjunction with the draft revised Statement of Licensing Policy and authorise the Executive Director of Place to carry out the consultation as detailed in the report.

3. Results of consultation undertaken

- 3.1 Before amending the policy for a further five-year period, licensing authorities are required to carry out a wide consultation process. In addition to those it must consult by law, the Council has authority to include in the process any individuals or organisations it deems appropriate.

The draft revised Statement of Licensing Policy, which has been produced in compliance with government guidance, is attached to this report as Appendix A.

- 3.2 The Responsible Authorities – (West Midlands Police, West Midlands Fire and Rescue Service, Public Safety (Health & Safety, Noise, Trading Standards and Public Health) Planning, Coventry's Safeguarding Children Board, Coventry's Public Health Board), and the Community Safety Team, have already been consulted in the drafting of the revised policy.
- 3.3 The public consultation exercise will finish on 28th June 2015, and will include the following elements:-

Mail shots to representatives of the licensed trade, clubs and key partners
Formally writing to the Chief Officers of the responsible authorities
Mail shots to residents groups and business organisations
Wider public consultation through the City Council Web Site

- 3.4 The results of the consultation process will be submitted for consideration to Cabinet Member for Policing and Equalities before a finalised policy document is presented to Full Council for approval.

4. Timetable for implementing this decision

- 4.1 The revised Statement of Licensing Policy must be published by 5 January 2016, allowing the Council to continue to carry out any function in respect of individual applications made under the authority of the Licensing Act 2003, on or after 6 January 2016.

5. Comments from Executive Director of Resources

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5.2 Legal implications

The Council will not be able to undertake its role as a licensing authority after the 6 January 2016 unless it has approved and published its revised Statement of Licensing Policy. The policy must be reviewed every five years. However, it can be reviewed more often if appropriate.

The licensing function is carried out by the Council's Licensing and Regulatory Committee with the exception of the approval of the policy statement, which must be approved by Full Council.

The Council is required to have regard to any current Government Guidance when carrying out any licensing functions under the 2003 Act including preparing its Statement of Licensing Policy.

Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The prevention of crime and disorder is at the centre of the Licensing regime and there are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing policy acknowledges the Community Safety Plan and also gives information about proposed enforcement protocols with the police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'the Protection of Children from Harm'. Applicants are required to show how they will address this objective in their operational schedule when making applications. The Coventry Safeguarding Children Board is a responsible Authority consulted when applications are made. They have been made aware of the policy review and have been consulted.

Although there is not a specific licensing objective related directly to health within the current legislation, Public Health is a Responsible Authority. Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

6.2 How is risk being managed?

If the Licensing Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act. The consultation process and committee dates have been planned to ensure that the policy is in place at the required time.

The Statement of Licensing Policy will inform decisions taken by the licensing authority that will have an impact on the interests of private individuals and businesses. The policy reflects the need to respect the relevant rights given by the Human Rights Act

Decisions of the licensing authority are open to challenge through the Magistrates Court and beyond. The Statement of Licensing Policy is designed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3 What is the impact on the organisation?

The adoption of the policy should have no impact on the organisation. There are no human resource, financial or ICT implications.

6.4 Equalities / EIA

The Licensing Policy makes links to the Council's Equality and Diversity Policies and an Equalities Impact Assessment exists for licensing activities. This will be reviewed and updated as part of the consultation process.

6.5 Implications for partner organisations?

The Licensing Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police and Fire services. Both services have been consulted in the development of the draft policy.

The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night time economy and on the co-existence of licensed premises with local residents and communities.

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