
Licensing and Regulatory Committee
Cabinet Member for Policing and Equalities
Council

20 October 2015
5 November 2015
1 December 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 – Consultation Responses

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 12 week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003 and to recommend for approval a revised policy for the period 2016 – 2021.

Recommendations:

1. The Licensing and Regulatory Committee is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and notify the Cabinet Member for Policing and Equalities of its comments.
2. The Cabinet Member for Policing and Equalities is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and, in light of any comments from the Licensing and Regulatory Committee, and recommend to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

List of Appendices included:

Appendix A - Revised Statement of Licensing Policy
Appendix B - Summary of consultation responses
Appendix C - Summary of main changes to the 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 and 20 October 2015
Cabinet Member for Policing and Equalities 26 March 2015 and 5 November 2015

Will this report go to Council?

Yes

1 December 2015

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

1. Context (or background)

- 1.1 The Licensing Act requires each licensing authority to prepare and publish a statement of licensing policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives.
- 1.2 The current Statement of Licensing Policy came into effect on 6 January 2011, to cover a period up to January 2016.
- 1.3 This policy has to be renewed every five years and be subject to a full consultation process.
- 1.4 Licensing and Regulatory Committee on 24 March 2015 and Cabinet Member for Policing and Equalities on 26 March 2015 considered a report on the draft revised Statement of Licensing Policy and authorised the Executive Director of Place to consult on its contents.
- 1.5 This report outlines the comments received and proposed amendments to the Council's draft Licensing Policy.
- 1.6 This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. 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;
- 1.7 However, since the last revision there have been a number of changes through the implementation of a wide range of reforms to the Licensing Act. The policy has been revised throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.
- 1.8 Following public consultation, the revised draft Statement of Licensing Policy is now ready to be recommended for adoption to take effect from 5 January 2016 (Appendix A).

2 Options considered and recommended proposal

- 2.1 The Licensing and Regulatory Committee is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and notify the Cabinet Member for Policing and Equalities of its comments:
- 2.2 The Cabinet Member for Policing and Equalities is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2016-2021 and, in light of any comments from the Licensing and Regulatory Committee and recommend to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

3 Results of consultation undertaken

3.1 The public consultation exercise finished on 28 June 2015, and included 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's Website

3.2 All statutory consultees have received a full copy of the draft Licensing Policy and notification of the draft Policy was given to all Council Members and Parish councils. The draft policy was also made available on the Councils Website from 6 April to 25 June 2015 and over 1000 letters were sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

3.3 Although a city wide consultation has taken place on the revised draft policy, there has been very little response to the consultation. This may be because it is generally considered that the discretion of the Council in reviewing the Policy is limited as the Licensing Act, Government Guidance and Regulations closely prescribe how local authorities carry out the licensing functions.

The majority of the 15 responses received did not impact upon the revised policy document, however 2 of the Responsible Authorities did respond to the consultation and their comments are attached at Appendix B. The revised policy has now been further amended to include the comments made and a summary of the main changes and additions to the Licensing Policy is attached at Appendix C.

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 policy has been drafted to reflect current legislative requirements and compliance with the statutory guidance issued under Section 182 of the Licensing Act 2003. In carrying out its functions the Council is required to have due regard to the policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act. The authority may depart from its policy when it considers it appropriate to do so (in the same way the statutory guidance makes the same observation).

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 and by officers exercising their delegated powers with the exception of the approval of the policy statement, which must be approved by Full Council.

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 council meeting 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 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

There are no negative impacts of opportunity for any equality target group therefore a review of any Equality and Diversity Policy has not been produced.

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.

Report author(s): Davina Blackburn

Name and job title: Licensing Manager

Directorate: Place

Tel and email contact: x1888 davina.blackburn@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Rebekah Eaves	Coventry Safeguarding Children Board and Child Sexual Exploitation Officer	CCC	06.04.15	24.06.15
Angela Hands	Public Health Practitioner	CCC	06.04.15	01.07.15
Usha Patel	Governance Services Officer	CCC	19.08.15	20.08.2015
Head of Regulatory Services	Hamish Simmonds	Place	20.08.15	04.09.15
Names of approvers for submission: (officers and members)				
Cabinet Member for Policing & Equalities	Councillor Townshend			02.09.15
Finance: Name	Cath Crosby	Resources	20.08.15	20.08.15
Legal: David Joy	Solicitor	Resources	04.09.15	11.09.15
Director: Name	Martin Yardley	Place		
Assistant Director:	Andrew Walster	Place	04.09.15	14.09.15

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