

Chichester District Council

CABINET

7 July 2015

Licensing Act 2003 - The Council's proposed Draft Statement of Licensing Policy 2016 - 2021

1. Contact(s)

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2. Executive Summary

To introduce the Council's proposed draft Statement of Licensing Policy under the Licensing Act 2003 for the period of 2016 – 2021 and seek approval for public consultation.

3. Recommendation

- 3.1 That, subject to consideration of any comments referred by the Alcohol and Entertainment Licensing Committee, the draft revised Statement of Licensing Policy for the period 2016 – 2021 for Chichester District is approved for public consultation.**
- 3.2 That the Head of Housing and Environment Services be authorised to consider any representations arising from the consultation exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Full Council on 15 December 2015 (with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment.**
- 3.3 That the Head of Housing and Environment Services report back on adoption to the Alcohol and Entertainment Licensing Committee and Cabinet in circumstances where significant amendments to the Policy are required in her opinion following consultation with the Cabinet Member for Environment.**

4. Background

- 4.1 The Licensing Authority (the 'Authority') is required under Section 5 (1) of the Licensing Act 2003 (the 'Act') to publish a 'Statement of Licensing Policy' (the**

‘policy’) with respect to the exercise of its licensing functions under the Act. Previously, Licensing Authorities were required to determine their policies for a period of three years with the last policy beginning on 7 January 2011. However, as a result of the Police, Reform and Social Responsibility Act 2011 policies published on this date were automatically treated as though they applied for five years. During the five year period, the policy has been kept under review and it has not been considered necessary for this Authority to make any revisions.

- 4.2 The current policy has been in force since 7 January 2011 following approval by Council. It has not been the subject of legal challenge and has been well received by the community, businesses and partner organisations and received positive comment at Court.
- 4.3 The current policy will expire on the 6 January 2016 and it is therefore necessary to undertake a review. Whilst undertaking the review, officers have carefully considered the local policy against the recently amended Home Office guidance (March 2015) issued to Licensing Authorities under Section 182 of the Act.

5. Outcomes to be achieved

- 5.1 Approval of a twelve week public consultation of the draft revised Statement of Licensing Policy for the Chichester district for the period 2016 – 2021.
- 5.2 Following public consultation all feedback received will be considered and acted upon, if appropriate. The policy must be published before any function in respect of individual applications and notices made under the terms of the Act can be carried out. The date for such approval and publication is no later than 7 January 2016.

6. Proposal

- 6.1 Officers have given due consideration to the various legislative changes that have occurred since the current policy was last adopted. Whilst these have been significant, the statutory framework surrounding the Licensing Act 2003 is not considered appropriate for inclusion within the policy itself. Specific legislative matters and application procedures are separately dealt with in supporting guidance and web based information.
- 6.2 The intention of the policy is to set out the framework the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Consistent with the Home Office revised guidance issued in March 2015 the language adopted is now in terms of being “*appropriate*” to promote the licensing objectives as opposed to previously being “*necessary*”.
- 6.3 Further information has been included in the proposed policy with regards to the status of the South Downs National Park at Section 2 (Paragraphs 2.2 to 2.5) and this Council’s Sexual Entertainment Venues policy at Section 10.
- 6.4 In light of this Council’s experience associated with delivering functions under the Act, officers have proposed to amend the ‘Delegation of Functions by the Alcohol and Entertainment Licensing Committee’ at Appendix 2. It was considered appropriate to remove the ability to refer contested applications to the full committee as sub-committees have dealt with any application(s) put before them for determination appropriately.

- 6.5 Consistent with the Home Office guidance minor changes have been made to Appendix 4, 'Serious crimes which are likely to lead to revocation of a licence', namely knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed and the misuse of drugs.
- 6.6 Officers have also taken this opportunity to make some very minor changes in respect of either the format of the document or to simply clarify certain elements and to reinforce the policy against incidental changes.
- 6.7 It is not considered to be inconsistent with the provisions of the Act. This approach also allows the necessary freedom to depart from the policy where considered appropriate.

7. Alternatives that have been considered

- 7.1 Other than procedural matters associated with the consultation exercise, no alternatives have been considered as the Authority has a statutory requirement under Section 5 (1) of the Licensing Act 2003 to publish a policy with respect to the exercise of its licensing functions under the Act.

8. Resource and legal implications

- 8.1 There are no resource and/or legal implications associated raised by this report.

9. Consultation

- 9.1 The Alcohol and Entertainment Licensing Committee considered the draft Policy at its meeting on 17 June 2015 and, after incorporating a number of minor amendments into the Policy (reflected in the Appendix), approved it for public consultation subject to any further comments by Cabinet.

- 9.2 When reviewing the Policy the Authority must consult those persons listed in Section 5 (3) of the Act. These are:

- The Chief Office of Police for the area;
- The Fire and Rescue Authority for the area;
- Each Local Authority's Director of Public Health in England;
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificates holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

In addition the Authority will consult with a range of statutory and non-statutory consultees including the Chichester Access Group for disability issues.

- 9.3 In view of the proposed changes being made to the policy it is proposed to undertake a twelve week public consultation which is consistent with the recommendations of the Central Government Code of Practice
- 9.4 Following consultation (between July and October 2015) approval will be necessary by Full Council. The revised policy will then be published and made available electronically via the Council's website.

10. Community impact and corporate risks

10.1 There are no corporate risks associated raised by this report. Community impact will be positive and in line with licensing objectives detailed in the statement of licensing policy.

11. Other Implications

	Yes	No
Crime & Disorder:	X	
Climate Change:		X
Human Rights and Equality Impact:		X
Safeguarding:	X	

12. Appendix

Draft Statement of Licensing Policy 2016 – 2021

13. Background Papers

None