

# Chichester District Council

COUNCIL

15 December 2015

## Licensing Act 2003 – Consultation responses to the Council's Draft Statement of Licensing Policy for the period 2016– 2021

### 1. Contacts

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### 2. Executive Summary

To provide the Council with an overview of the consultation responses in relation to the Council's proposed Statement of Licensing Policy (the 'Policy') 2016 – 2021 and seek approval for publication.

### 3. Recommendations

- 3.1 **That the Council considers the proposed revisions to the draft Statement of Licensing Policy 2016 – 2021 (the 'Policy') and confirms, or otherwise, the changes.**
- 3.2 **That the Policy (as amended in accordance with 3.1 above) be approved and published.**

### 4. Background

- 4.1 Under Section 5 (1) of the Licensing Act 2003 (the 'Act'), as the local Licensing Authority, Chichester District Council is under a statutory duty to publish a Policy with respect to the exercise of its licensing functions.
- 4.2 At its meeting on 17 June 2015 the Council's General Licensing Committee considered and agreed the Draft Statement of Licensing Policy 2016 – 2021 (the 'Policy') which was subsequently approved for public consultation at Cabinet on 7 July 2015 with a recommendation seeking approval from Council following that consultation.

## **5. Outcomes to be achieved.**

5.1 Such a Policy lasts for five years and must be approved and published before the Council carries out any licensing functions under the Act. The Council's current Policy expires on 7 January 2016 and it is for this reason approval of the draft Policy is necessary.

## **6. Proposal.**

6.1 Once the consultation responses and resulting minor changes have been considered, approval of the draft Policy is requested in order to be in place prior to 7 January 2016. After this date the Policy will be used by Officers and Members, alongside national guidance issued by the Home Office under Section 182 of the Licensing Act 2003, when making decisions on individual applications and notices under the Act.

## **7. Alternatives that have been considered.**

7.1 No alternatives have been considered as the Council is under a statutory obligation to have in place and publish a Statement of Licensing Policy.

## **8. Resource and Legal Implications**

8.1 There are no resource or legal implications associated with this report.

## **9. Consultation**

9.1 A twelve (12) week public consultation exercise was undertaken between 27 July and 5 October 2015 which engaged a wide range of statutory consultees as well as various interested parties. These included;

- Responsible Authorities under the Licensing Act 2003 (e.g. Sussex Police, Fire Service, Environmental Health etc.),
- Interested Parties (residents groups, schools, charitable organisations etc.),
- Holders of current Premises Licences under the Licensing Act 2003,
- Holders of current Club Premises Certificates granted under the Licensing Act 2003, and
- Representatives of the licensing trade (ChiBAC, BID etc.)

9.2 All were advised of the consultation period and provided with a link to the draft Policy, which was displayed on the Council's website.

9.3 Two written responses were received. These are identified in the Register and Summary of Responses document at Appendix A which also identifies the proposed amendments to the draft Policy, if any. Included at Appendix B are copies of the original consultation responses.

9.4 Following careful consideration of the responses by Officers it is not felt necessary to make significant changes to the draft Policy which has been published on the Council's website (see Appendix C). Only minor changes that are legally compliant with the Act, Regulations and current Home Office Guidance are being proposed.

9.5 No comments were received in relation to the need for a Saturation Policy within the District and therefore this matter remains unchanged.

## 10. Community impact and corporate risks

10.1 There are no community impact and or corporate risks raised by this report.

## 11. Other Implications

<b>Crime and Disorder</b>	None
<b>Climate Change</b>	None
<b>Human Rights and Equality Impact</b> It is not proposed to significantly amend the existing Policy. However the application of the Human Rights Act 1998 and its relevant Articles in particular, Article 6 (Right to a fair trial), Article 8 (Right to respect for private and family life) and Article 1 of the first protocol (Protection of property) will be considered by the Licensing Authority in the determination of applications and other matters governed by the Statement of Licensing Policy.  Equality issues and their impact will also be duly considered in respect of each application considered by the Licensing Authority.	Yes.
<b>Safeguarding</b>	None

## 12. Conclusion

12.1 That Members consider the responses received during the consultation and approve the proposed changes to the draft Statement of Licensing Policy 2016 – 2021 ready for implementation by Chichester District Council, as the local Licensing Authority, with effect from 7 January 2016.

## 13. Background Papers

Draft Statement of Licensing Policy 2016 - 2021

## 14. Appendices

Appendix A Register and Summary of Responses  
Appendix B Original consultation responses  
Appendix C Revised copy of draft Policy (not printed but available on CDC's website)