

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing & Regulatory Committee

26th June 2015

TITLE:	Licensing Act 2003 – Statement of Licensing Policy - Review
PORTFOLIO:	Cllr. A.S. Forrester – Deputy Leader and Portfolio Holder for Environment
OFFICER:	Executive Director (Place)
WARDS:	ALL

Appendices Attached - None

1. **Reason for the Report:** To ensure that the requirements of the Licensing Act 2003 are met by the authority and to advise members of the proposed timescale for the revision and adoption of the Council's Statement of Licensing Policy.

2. **Recommendation**

- 2.1 That Members approve that the consultation timetable located at paragraph 7.8 of the report as outlined.
- 2.2 That following the consultation period the Policy is brought to back to the Licensing & Regulatory Committee in October to outline responses received and approve.
- 2.3 That the final Licensing Policy is presented to Full Council in December 2015 to approve as the Council's Statement of Licensing Policy in line with statutory requirements.

3 **Executive Summary**

- 3.1 Under the provisions of the Licensing Act 2003 Staffordshire Moorlands District Council is the licensing authority for the administration and enforcement of all the licensing activities within its areas associated with:
 - The sale of alcohol by retail;
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - The provision of regulated entertainment;
 - The provision of late night refreshment.

- 3.2 Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every five years, previously every three years. The Council's first Licensing Policy following commencement of the Act was adopted in November 2004 and revised in January 2005 following discussions with Staffordshire Police. The fourth policy was adopted in December 2010, came into force in January 2011 and will expire in January 2016. This statement of licensing policy will be the fifth revision undertaken by this authority and will be in force from January 2016 to January 2021.
- 3.3 Prior policies were prepared in accordance with guidance from the Local Authorities Coordinators of Regulatory Services (LACORS) on best practice framework for the review of licensing policy statements. A document was introduced by LACORS designed to assist licensing authorities with the framework, which individual authorities could then tailor, amend and augment according to local consideration and needs. LACORS no longer exists in the same format and there has been no new best practice framework issued. This revision of the policy will follow the same format as prior policies.
- 3.4 The LACORS framework enabled High Peak BC and Staffordshire Moorlands DC to align the two licensing policies as closely as was practicable and that will continue where deemed appropriate.

4. How this report links to Corporate Priorities

- 4.1 The Staffordshire Moorlands Statement of Licensing Policy is integral to the licensing service and the provision of effective licensing arrangements.

5. Options and Analysis

- 5.1 There are no options to consider – the adoption of a revised Statement of Licensing Policy in respect of each five year period is a legal obligation placed on the Council.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The successful implementation of the Licensing Policy should have a positive impact on community safety and assist in the reduction of crime.

6.2 Workforce

None

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

No additional financial resources are required.

6.5 Legal

The granting of licences is a legal function of the Council and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003.

6.6 Sustainability

The aims of the Licensing Act 2003 are to improve the economic, environmental and social well being of the area. The revised Statement of Licensing Policy has been drafted with due regard to the requirements to achieve sustainability in the environmental, economic and social life of the district.

6.7 Internal and External Consultation

A twelve-week period of consultation will take place with both internal departments of the Council and outside organisations. The authority is required to consult with persons specified in Section 5 (3) of the Act, these are detailed in section 7 of the report.

6.8 Risk Assessment

The Statement of Licensing Policy will be monitored during the five-year period and can be reviewed at any time if considered necessary and appropriate.

7. **Background and Detail**

7.1 The Licensing Act 2003 received Royal Assent in July 2003 and has four licensing objectives:

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

7.2 A requirement of the Act was for each local authority to prepare and adopt a Licensing Policy appropriate to the area prior to implementation of the Act. In accordance with this directive the first Licensing Policy for this Council was adopted in November 2004 and has subsequently undergone three revisions.

7.3 Section 5 of the Licensing Act 2003 requires that a licensing authority prepares and publishes a statement of Licensing Policy every five years. The statement of Licensing Policy must be published before the beginning of the period and a policy drawn up for each subsequent five-year period. Section 5(1) and (2), as amended, provides as follows:

1. Each licensing authority must in respect of each five year period –
 - (a) determine its policy with respect to the exercise of its licensing functions, and
 - (b) publish a statement of that policy (a licensing statement) before the beginning of the period.
2. Five year period means:
 - (a) the period of five years beginning with such day as the Secretary of State may by order appoint, and
 - (b) each subsequent period of five years

7.4 The District Council's Statement of Licensing Policy is due for renewal in January 2016, with the requirement for consultation with various interested parties as in section 5(3) of the act in respect of any revisions, and for revisions or a revised licensing statement to be published. Section 5(4) – (6), as amended, provides:

- (4) During each five-year period, a licensing authority must keep its policy under review and make such revisions to it, at such times as it considers appropriate.
- (5) Subsection (3) applies in relation to any revision of an Authority's policy as it applies in relation to the original determination of that policy.
- (6) Where revisions are made, the licensing authority must publish a statement of the revisions or the revised licensing statement.

7.5 In response to this requirement a revised Statement of Licensing Policy is being prepared and is due to go for consultation in July 2015. The Policy will outline the authority's approach to the determination of licence applications and brings consistency in the observation of necessary licensing requirements.

7.6 It is a further requirement of the Act that the revised Policy must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a wide range of statutory bodies defined at s.5(3) by the Act. These are:

- The Chief Officer of Police for the area in which the authority is located;
- The appropriate Fire Authority;
- Such persons considered to be representative of holders of premises licences;

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- Such persons considered to be representative of holders of club premises certificates;
- Such persons considered to be representative of holders of personal licences;
- Such persons considered to be representative of businesses and residents in the area.

Additionally the authority is empowered to consult with other organisations as is deemed appropriate.

7.7 The revised Statement of Licensing Policy will be taken for consultation via email or letters to the relevant organisations listed as follows:

- Bodies representing local transport users;
- The local drugs action team;
- Customs and Excise;
- The Council's Tourism Section;
- The Council's Planning and Building Control Section;
- Local premises licence holders;
- Trading Standards/Children & Lifelong Learning.

7.8 The revised Policy will also be shared with a number of other bodies including the Parish Council Assembly and local Chamber of Trade. It is envisaged that consultation with these organisations will continue along with other bodies as appropriate.

The following timetable is proposed in respect of consultation, amendment and adoption of the Policy:

Reporting Process	Dates
Revised Statement of Licensing Policy Approved for Consultation by Licensing & Regulatory Committee	26 th June 2015
Revised Statement of Licensing Policy published and made available for consultation (12 weeks in line with best practice guidance)	10 th July 2015
12 week consultation period concludes	2 nd October 2015
Revised Statement of Licensing Policy Approved by Licensing & Regulatory Committee	16 th October 2015
Revised Statement of Licensing Policy Approved by Council	9 th December 2015
Revised Statement of Licensing Policy published week commencing	14 th December 2015
Statement of Licensing Policy commencement	7 th January 2016

**Dai Larner
Executive Director (Place)**

**Web Links and
Background Papers**

Licensing Act 2003
Current Statement of Policy
s.182 Guidance
Government Guidance

Location

Regulatory Services –
Licensing, Moorlands
House, Leek

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