

STATEMENT OF LICENSING POLICY 2016**LICENSING COMMITTEE DATE****10 November 2015****COUNCIL MEETING DATE****25 November 2015****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****CORPORATE DIRECTOR****Gifty Edila, Corporate Director of Legal HR and Regulatory Services**

1. INTRODUCTION

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and the proposed Statement of Licensing Policy (“the Policy”) prior to it becoming effective in January 2016.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee:
- (i) notes the Consultation Report at Appendix 1 .
 - (ii) notes Summary of Responses for the consultation of the revised policy at Appendix 2 .
 - (iii) recommends the proposed Policy at Appendix 3 for approval by the Council
 - (iv) authorises the Corporate Director of Legal, HR & Regulatory Services to make any non-substantive changes to the proposed Policy as appropriate.

3. BACKGROUND

- 3.1 The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it at least once every five years. This Statement must establish the principles to be applied when determining applications under the Act, such as applications for the sale/supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 3.2 The Act specifies that in drafting and implementing the Policy, it must promote the four licensing objectives, which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3 Home Office Guidance issued under section 182 of the Licensing Act 2003 (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act. This was last revised by the Home Office in March 2015.
- 3.4 The Council first published its Statement of Licensing Policy (‘Policy’) in January 2005, which sets out the decision-making principles when

licensing premises for alcohol, regulated entertainment and late night refreshment. Full reviews of the Policy took place in 2007 and 2010. A further review took place in 2013 to include a Special Policy Area (SPA) in Dalston that was introduced in January 2014.

- 3.5 In March 2015 the Council's Licensing Committee approved a draft Policy for consultation. The aim was that this Policy would become effective in January 2016. The consultation on the draft Policy commenced on 25 May 2015 and concluded on 14 August 2015.

4. CONSULTATION FROM MAY TO AUGUST 2015

- 4.1 During the consultation period officers became aware of an error in the consultation material. The error meant that the times stated for music/dance venues, theatres and cinemas, takeaways/fast-food premises, other indoor entertainment venues and qualifying clubs in the consultation summary did not accord with those proposed in the draft Policy approved by the Licensing Committee on 25 March 2015.
- 4.2 Members will be aware that on 11 August 2015 a proposal was announced that the Licensing Committee would recommend the re-adoption of the current licensing policy, as an interim measure, following the discovery of the error detailed above.
- 4.3 The announcement also mentioned that the consultation responses would be analysed and that further substantive consultation will be carried out in 2016. The report on the consultation that ran between May and August has been prepared by the Consultation Team and can be found at Appendix 1.

5. CONSULTATION FROM SEPTEMBER TO OCTOBER 2015

- 5.1 At the Extraordinary meeting on 24 September, the Licensing Committee approved a draft Policy for consultation. The draft Policy is essentially the 2011 Policy as amended in 2014 along with some revised text to reflect the current legislation and remove some of the elements that date the document, such as references to "interested parties" and "entertainment facilities". The amends made to the revised draft Policy have been made with the intention of not changing the overall effect of the Policy but to ensure it is kept in line with legislation.
- 5.2 A consultation on the revised Policy for re-adoption commenced on 28 September and concluded on 12 October. Four responses were received during this period. A summary of the responses has been prepared by the Licensing Service and can be found at Appendix 2.

Next Steps

- 5.3 The intention is that this revised draft Policy will remain in place until any substantive consultation is carried out and a decision made on whether to adopt any revised policy. Any future consultation will have

regard to the analysed the responses set out in Appendix 1, the data collected before consultation between May and August 2015 and any further data that may be collected.

6. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 6.1 This report recommends that the Licensing Committee notes and recommends the proposed Policy at Appendix 3 for approval by the Council and authorises the Corporate Director of Legal, HR & Regulatory Services to make any non-substantive changes to the draft revised Statement of Licensing Policy as appropriate.
- 6.2 The cost for publicity following such amendments to Licensing Policy are met from the current revenue budgets in Regulatory Services.
- 6.3 Income from licensing fee payments contributes to the running costs of the service. It is not anticipated that revisions to the Licensing Policy will have a significant impact on income levels. In the event that an income reduction arises from the policy, this will have to be met from corresponding cost reductions in the service.

7. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

- 7.1 The Licensing Act 2003 ('the Act') confers various powers to the Council when discharging the licensing functions for the sale and supply of alcohol, regulated entertainment and late night refreshment.
- 7.2 Part of the functions requires the Council to produce and review a Statement of Licensing Policy ('the Policy'). Section 5 of the Act now allows the Policy to be reviewed every 5 years, following the changes brought in by the Police Reform and Social Responsibility Act 2011 (PRSRA 2011).
- 7.3 The existing Policy came into force on 7 January 2011 and expires on 6th January 2016. The Council must have the fourth version of the revised Policy in place by 7 January 2016 and once in place the Policy can last up to five years.
- 7.4 The Act does not set out any review processes to be adopted. It will be a matter for the Council to decide the process of review, unless further regulations are produced pursuant to Section 5(7) of the Act.
- 7.5 Even though the Council can decide its own process for the review it must still consult those groups listed within the Act before a revised version can be determined.

- 7.6 The drafting of any revised policy must be done in line with the Act and the Section 182 Government Guidance ('the Guidance').
- 7.7 Following the consultation carried out between September and October 2015 it is proposed that the draft Policy be adopted for an interim period before a further substantive consultation is carried out in 2016. It is noted the draft Policy set-out in Appendix 3 is broadly the same as the existing policy except for legislative changes along with deletions from the existing Policy that are no longer relevant.
- 7.8 Any future consultation in 2016 may result in the proposed draft Policy that is approved in November 2015 being amended. Section 5(4) of the Act permits the Policy to be amended within any 5 year period.
- 7.9 Should the proposed draft Policy be approved this allows the Council to continue to rely upon a valid Policy once the existing policy comes to an end. This also allows the Council to consider what, if any, major revisions should be made to the Policy subsequent to any future consultation.
- 7.10 Once the review process is completed the proposed draft Policy must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

APPENDICES

Appendix 1 – Report on the Consultation

Appendix 2 – Summary of responses

Appendix 3 – Statement of Licensing Policy 2016 for approval.

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

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