

Licensing Committee



Report subject	Licensing Act 2003 – Review and harmonisation of Statement of Licensing Policy
Meeting date	25 th September 2019
Status	Public Report
Executive summary	Currently there are three Statements of Licensing Policy, one for each legacy authority. A new combined BCP Statement of Licensing Policy is required.
Recommendations	It is RECOMMENDED that: Members are asked to agree to the drafting of a new Statement of Licensing Policy
Reason for recommendations	The three legacy authorities have individual Statements of Licensing Policy which must be referred to when making decisions under the Licensing Act 2003. To aid members in making decisions and to assist applicants a new single policy is required to represent the new BCP council area and priorities.

Portfolio Holder(s):	Cllr Lewis Allison
Corporate Director	Kate Ryan
Contributors	Nananka Randle – Licensing Manager ☎ 01202 01202 451307 ✉ Nananka.randle@bcpcouncil.gov.uk
Wards	N/A
Classification	For Decision

Background

1. Section 5 of the Licensing Act 2003 sets out the requirement for a Licensing Authority to determine and publish its policy every five years setting out how they exercise their licensing functions.
2. On 6th April 2018 Regulations made under the Policing and Crime Act 2018 made changes to Section 5 of the Licensing Act 2003 and introduced the new Section 5A both relating to “Cumulative Impact Assessments” (CIA). Licensing Authorities must now have regard to any CIAs published when either determining or revisiting their policies.
3. A CIA must set out evidence for, in the Licensing Authority’s opinion, as set out in an assessment that it is likely it would be inconsistent with the authority’s duty to promote the licensing objectives to grant any further premises licences or club premises certificates in respect of premises in that area.
4. When considering any amendments to the Statement of Licensing Policy (the Policy) consideration should also be given to the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm).
5. In this case, a new Policy will be created to incorporate the full conurbation of BCP Council.
6. The three legacy authorities Bournemouth, Christchurch and Poole all currently have individual Statement of Licensing Policies, in particular the policy for Bournemouth includes a special policy regarding cumulative impact areas that must be assessed. Before publishing a CIA the Licensing Authority must consult with the following:-
 - The Chief Officer of Police
 - The Chief Fire Officer
 - The Local Health Authority
 - Such persons as the Licensing Authority considers to be representative of the holders of premises licences and club premises certificates
 - Such persons as the Licensing Authority considers to be representative of personal licence holders issued by that Authority

- Other persons the Licensing Authority considers to be representative of businesses and residents in its area
7. Once the new Statement of Licensing Policy has been drafted including any CIA, officers will bring the draft document before the full Licensing Committee to give members the opportunity to comment and shape the new Policy.
 8. Following this the draft document must go out to public consultation for a period of up to 12 weeks. All comments will be collated, and the draft policy will then be brought back to the full Licensing Committee, members will then go through each comment made and agree any necessary amendments as suggested via the public consultation process.
 9. Once the draft has been updated with all amendments the final version of the Policy is then sent to Full Council for final determination.

Summary of financial implications

10. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the Licensing Act 2003 fees and/or annual fees received.
11. Paragraph 13.8 of the Section 182 Guidance states “When undertaking consultation exercises, licensing authorities should have regard to cost and time. Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. When licensing authorities exceed these requirements, they will have to absorb these costs themselves.”

Summary of legal implications

12. The transformation order creating BCP council provided a two-year period to harmonise legacy policies.
13. If the Policy process is not completed by 31 March 2021 the authority will not be able to rely on the Policy as part of the Licensing Committee decision making process.

Summary of human resources implications

14. N/A

Summary of environmental impact

15. N/A

Summary of public health implications

16. N/A

Summary of equality implications

17. An Equality Impact Needs Assessment is being completed and will be finalised when the draft report comes back to the committee.

Summary of risk assessment

18. N/A

Background papers**Published Works**

Licensing Act 2003

Sections 5 and 5A of the Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003

Appendices