

LICENSING COMMITTEE

Report subject	To agree a draft Statement of Licensing Policy for public consultation
Meeting date	18 th December 2019
Status	Public Report
Executive summary	The Licensing Committee members are asked to agree the draft Statement of Licensing Policy for BCP Council ready for public consultation.
Recommendations	It is recommended that Members consider the draft Policy document, agree any necessary amendments to this document and then agree to send the document out for public consultation for a period of twelve weeks from 1st January 2020.
Reason for recommendations	The Licensing Authority is required to consider and review the Statement of Licensing Policy every 5 years. With the formation of the new BCP Council on 1 st April 2019 there is a need to create a new Statement of Licensing Policy which covers the entire new council area and that reflects the needs of the Authority, its members and will support the community and businesses when considering any applications.

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Contributors	Mrs N Randle ☎ 01202 451307 ✉ nananka.randle@bcpcouncil.gov.uk
Wards	All Wards
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. 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).
3. In this case, a new Policy has been drafted to incorporate the full conurbation of BCP Council. Appendix 1.
4. On Tuesday 19th November members attended a workshop held by the Licensing Managers and Senior Licensing Officer the intention was to increase members knowledge of the requirements of the Statement of Licensing Policy and the consultation process. Members were provided with a first draft of the policy ahead of this workshop to give them the opportunity to ask informed questions and to propose any potential amendments ahead of the full committee on 18th December.
5. All committee members are now asked to consider the draft policy presented to them. All member amendments will be tracked and added to the revised draft policy prior to the document going out to public consultation.
6. The Cumulative Impact Assessment special policy will run alongside the full Statement of Licensing Policy. Officers are currently in the process of collating evidence from the relevant consultees including Dorset Police, Community Safety and Environmental Health. Once all data has been submitted and examined a report will be submitted full committee early in 2020.

Consultation

7. The public consultation will commence on 1st January 2020 for 12 weeks this will be advertised in the local press and on the council website.
8. A list of all persons/bodies consulted directly is included as an appendix within the draft policy. These persons/bodies have been identified as either statutory consultees as stated in the Licensing Act 2003 Guidance document or relevant interested parties. A template response form will be sent to all consultees so ensure conformity of responses to assist collating responses Appendix 2.

9. The authorities' consultation team have also been asked to add the consultation to the BCP Council website with links to the draft document and key questions to enable members of the general public to provide feedback on the validity and content of the policy. The consultation via the BCP website will ask specific questions about the policy. These will be available by the committee date as they are currently being devised.
10. The cut off date for consultation and responses is 31st March 2020. All feedback will be collated and will be presented at a full committee hearing for consideration by members during April/May 2020.

Summary of financial implications

11. 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.
12. 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

13. The Licensing Act 2003 requires all authorities to publish a policy and review this policy every 5 years. If the authority does not publish such a policy the authority cannot rely on the policy as part of its decision-making process and could be subject to Judicial review.

Summary of human resources implications

14. None associated with this report

Summary of environmental impact

15. None associated with this report

Summary of public health implications

16. None associated with this report

Summary of equality implications

17. An equalities impact assessment has been completed in collaboration with Sam Johnson in Equalities, this has demonstrated positive impacts for race, age and sex.

Summary of risk assessment

18. None associated with this report.

Background papers

Published works as follows:

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Borough of Poole Statement of Licensing Policy

<https://www.poole.gov.uk/business-and-consumers/licences-and-street-trading/licensing-act-2003/>

Christchurch Council Statement of Licensing Policy

<https://www.christchurch.gov.uk/business-consumers/licences/licences-and-permits/alcohol-and-entertainment-licences/pdfs/cbc-statement-of-licensing-policy.pdf>

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

1. Draft Statement of Licensing Policy
2. Consultation response form template