

LICENSING COMMITTEE



Report subject	Licensing Act 2003 - Review of Statement of Licensing Policy (SOLP)
Meeting date	17 September 2020
Status	Public Report
Executive summary	<p>This is the first Statement of Licensing Policy for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole.</p> <p>Following 2 consultation periods, agreed by members of the Licensing Committee and undertaken in accordance with Section 5 of the Licensing Act 2003, the Licensing Committee on behalf of the Licensing Authority must now consider all responses received in respect of the proposed Statement of Licensing Policy and either decide to include them or exclude them and provide reasons for their decision.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider consultation responses and feedback, amend the draft document and recommend a final version of the Statement of Licensing Policy for adoption by Full Council</p>
Reason for recommendations	<p>The new Licensing Authority of BCP Council is required by section 5 of the Licensing Act 2003 , to determine and publish at 5 year intervals, a Statement of licensing policy. The now dissolved boroughs of Bournemouth, Christchurch and Poole have all previously published individual policies.</p> <p>The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that the Licensing Authority has 24 months from the date of reorganisation to prepare and publish a Statement of Licensing Policy for the new local government area.</p> <p>Before determining a revised SOLP the licensing authority must consult with persons listed in Section 5(3) of the 2003 Act.</p> <p>Guidance issued under Section 182 of the 2003 Act states that</p>

	<p>“During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate ...”.</p>
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Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Decision

Background

1. On 18th December 2019 Members were presented with the first draft of the proposed SOLP V5, this draft was amended following consultation and V7 is attached at Appendix 1 for your information.

Consultation

2. Public consultation commenced on 1st January 2020 for 12 weeks. This was undertaken via the council's consultation tracker on the website and via email to all parties as stated in appendix B of the policy document.
3. Following significant feedback and proposed amendments an additional 6 week consultation on V6 of the draft SOLP commenced on 18th May 2020, this was sent via email to all persons/bodies as stated in appendix B of the policy document
4. All consultation responses have been collated and are attached in Appendix 2. The results will be discussed at the hearing for full consideration

Options Appraisal

5. To consider each of the responses received which are set out in Appendix 2 and decide in respect of each of them to whether they be accepted and included or disregarded and excluded and subsequently produce the final draft of the reviewed Statement of Licensing Policy to be recommended to Full Council. Reasons should be given for all amendments.

Summary of financial implications

6. 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.
7. 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

8. 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

9. Not applicable

Summary of sustainability impact

10. Not applicable

Summary of public health implications

11. Not applicable

Summary of equality implications

12. 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

13. Not applicable

Background papers

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

Appendix 1 – Draft SOLP V7

Appendix 2 – Consultation responses

