

EAST HERTS COUNCIL

LICENSING COMMITTEE – 26 MARCH 2015

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

DRAFT REVISED STATEMENT OF LICENSING POLICY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To present to members a draft revised Statement of Licensing Policy under the Licensing Act 2003.

<u>RECOMMENDATION FOR LICENSING COMMITTEE:</u> that	
(A)	The report be received.

1.0 Background

1.1 Section 5 of the Licensing Act requires the Licensing Authority to determine its Licensing Policy and publish every 5 years the Statement of Licensing Policy that sets out the principles it applies in exercising its functions under the Licensing Act 2003. The Statement must be published before the Licensing Authority carries out any licensing functions under the 2003 Act. The Act also requires that the Statement of Licensing Policy is kept under review, and appropriate revisions are made.

1.2 The current policy was determined in January 2014 for a period of 5 years and so must be re-determined at Full Council by 31 January 2019 at the latest.

1.3 However, the section 182 guidance issued by the Secretary of State requires that the policy is kept under review and revisions made as appropriate.

1.4 Since publication of the current Statement of Licensing Policy, there has been much national discussion regarding the links between alcohol misuses and delivering improved public health.

1.5 At the meeting of the full Licensing Committee on 17 July 2014 it was recommended that officers be tasked with reviewing the statement of policy in light of the public health concerns.

1.6 Paragraph 13.10 of the revised section 182 guidance states that the Licensing Policy may set out the general approach to making licensing decisions and the draft policy has been revised to make the approach clearer to all stakeholders.

2.0 Report

2.1 A draft revised Statement of Licensing Policy is presented with this report as **Essential Reference Paper 'B'**.

2.2 The changes to the Policy are substantial even in the sections where the headings from the original policy have been kept. The main areas of change are:

- Objectives of Licensing Policy section has been amalgamated into the Policy approach section.
- The Fundamental Principles section has been expanded to include factors that will be taken into account when representations are received.
- A section on pre-application considerations has been added to aid those seeking to obtain an authorisation under the Licensing Act 2003.
- The Licensing hours section has been revised and expanded to include definitions of premises, locations of premises and the approach to licensing hours where representations are received.
- A section added regarding the licensing of petrol stations and the evidence that will be required to determine whether or not a premise is primarily a 'garage' as defined in the Act.
- A section regarding creating family friendly town centres has been included; this relates to the Fundamental Principles and Licensing Hours sections. The areas to be defined as 'Town Centres' need to be decided upon.
- Public safety and protection of children from harm sections expanded to include a reference to delivering improved public health.
- Sections duplicating the contents of the Licensing Act 2003 and revised statutory guidance issued by the secretary of state have been removed shortening the document by 8 pages.

- 2.3 Members are invited to consider the draft revised Statement and forward any comments to the Licensing section.
- 2.4 Following amendments proposed by Members, statutory consultation will take place between April and June 2015.
- 2.5 Feedback on Statutory Consultation will be presented to Licensing Committee on 9 July 2015, for consideration, further amendment as appropriate, and recommendation of a final version to Full Council.
- 2.6 Full Council will be invited to consider and approve the final draft at full council on 29 July 2015, for publication for a five year period, expiring on 31 January 2019.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Draft revised Statement of Licensing Policy 2015.

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