

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 JULY 2016

REPORT BY THE CHIEF EXECUTIVE

CONSIDERATION OF FEEDBACK ON THE DRAFT STATEMENT OF  
LICENSING POLICY

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WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report:**

- To present responses to consultation to Statement of Licensing Policy.

<b>RECOMMENDATIONS FOR DECISION:</b> that	
<b>(A)</b>	<b>The Committee consider the responses to the consultation; and</b>
<b>(B)</b>	<b>The revised Statement of Licensing Policy be recommended to Council for approval to take effect from 1<sup>st</sup> August 2016.</b>

1.0 Background

- 1.1 Section 5 of the Licensing Act 2003 required the Licensing Authority to determine and publish its Licensing Policy at least every 5 years. The Statement of Licensing Policy sets out the principles that the authority will apply when exercising its functions under the Licensing Act 2003. 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 December 2014. The authority has assessed this current policy and took the decision to review the policy early as it was believed that there are emerging issues that should be addressed. In particular, the links between alcohol misuse and its impact on public health.
- 1.3 A draft Statement of Licensing Policy was prepared and then independent legal advice was sought which approved the draft for public consultation.

- 1.4 Through the implementation of its licensing policy, East Herts Council aims to effectively integrate its aims and the four licensing objectives with other initiatives that will:
- Reduce crime, disorder and anti-social behaviour;
  - Promote public safety;
  - Prevent public nuisance;
  - Protect children from harm;
  - Promote public health;
  - Reduce drug and alcohol misuse;
  - Reduce the burden of unnecessary regulation on business.
- 1.5 The public consultation was open for 3 months and closed on 26<sup>th</sup> June 2016. The list of persons directly consulted can be found at Appendix 1 of the draft Statement of Licensing Policy which is **Essential Reference Paper 'B'**.
- 1.6 This revision is considered a big step forward as it clearly sets out the vision and aspirations that East Herts Council has and how the licensing function will be exercised to support this.
- 1.7 Applicants, licence holders and those selling or supplying alcohol, providing late night refreshment or regulated entertainment will have a clearer understanding of what is expected of them. The policy will encourage responsible businesses and operators whilst giving the authority a strong basis to deal with issues that may arise from activities authorised under the Licensing Act 2003.
- 1.8 The policy will not bind the authority but it must have regard to it when making decisions. The policy cannot foresee every circumstance that may arise and each application must be considered on its own merits. Departure from the policy is allowed where there are valid reasons in the merits of a particular case.
- 1.9 Substantive changes to the draft that was consulted on can only be considered where a response was received during the consultation period. If other substantive changes are proposed after the consultation closes then for these to have effect the 12 week consultation should be started again.

## 2.0 Report

2.1 During the 3 month public consultation, only 4 responses were received. These were all from companies that either own, operate or represent petrol retailers:

- Petrol Retailers Association;
- MRH Retail;
- Rontec Watford Limited; and
- BP Oil UK Limited.

2.2 Each of the above parties submitted separate letters but they all contain the same points regarding the draft Statement of Licensing Policy as they are all represented by the same solicitors, Winckworth Sherwood. The letters are attached as **Essential Reference Paper 'C'**.

2.3 Each letter references written confirmation received from the Home Office on paragraph 5.23 of the section 182 guidance issued by them. None of the letters enclosed this written confirmation so officer's requested it from the respondents and it was subsequently supplied. It is attached at **Essential Reference Paper 'D'**.

2.4 Officers gave the points made in the letters due consideration and agreed with some of them and the draft policy has been amended appropriately. Tracked changes, including the original wording, can be seen in the draft Statement of Licensing Policy on pages 17, 18 and 19 at **Essential Reference Paper 'B'**.

2.5 Officer's response and reasoning for the changes can be found at **Essential Reference Paper 'E'**.

2.6 In addition to the changes detailed in the response to petrol station retailers two other minor amendments have been made:

- On page 4 the date that Full Council is likely to be approving the Statement of Licensing Policy has been added; and
- On page 30 East Herts licensed taxi trade has been added to the list of consultees. It was recognised that taxis are an essential part of the night time economy so every driver and operator was sent details of the consultation.

### 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

East Herts Statement of Licensing Policy 2014-19

<http://www.eastherts.gov.uk/article/10188/Licensing-Policy>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)

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