

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 MARCH 2018

REPORT BY HEAD OF HOUSING AND HEALTH

NIGHT TIME ECONOMY POSITION STATEMENT

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To consider the Draft position statement 'Licensing Decision Making relating to the Night Time Economy'.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b>	
<b>(A)</b>	<b>That the wording of the draft position statement be agreed and the need for public consultation be noted.</b>

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 Following a number of applications for new and varied licences, some of which were ultimately decided by a licensing sub-committee, members of the licensing committee expressed concerns that some parties did not fully understand or engage with the process.
- 1.4 As a result the licensing team undertook to draft a position statement relating to how licensing decisions are made relating to the night-time economy. The Draft position statement can be found at **Essential Reference Paper B**.
- 1.5 This first draft was produced as an addition to the Licensing Policy and is aimed at making it far clearer how decisions are made with regard to licensed premises applications. Topics covered are:
- who the relevant 'stakeholders' are, going beyond responsible authorities alone, and what should their reasonable expectations be of the licensing process;
  - the Licensing Team's expectations of how the responsible authorities could make their representations so as to make decision-making as transparent and robust as possible;
  - triggers for enforcement action;
  - an articulation of the benefits of well-run licensed premises to the district – economic and cultural/entertainment;
  - how the council will proactively support best practice in the night time economy, for example, by promoting the use of Live ID and making best use of CCTV.

## 2.0 Report

- 2.1 The statutory framework within which decisions under the Licensing Act 2003 are made can often be complicated and lengthy.

- 2.2 Some applications involve public consultations of between 14 and 28 days, depending on the type of application, whilst others involve only consultation with 'responsible authorities'. If these opportunities to comment are missed then often valid comments cannot be considered when decisions are made.
- 2.3 The draft position statement seeks to clarify how the process works and interlinks with other regimes, how to make comments, what the authority expects of those making comments and what can be expected of the Licensing Authority.
- 2.4 It is in no way meant to replace the Statement of Licensing Policy which is subject to periodic review but is an addition in light of recent lessons learned and a response to concerns raised by Members of the Licensing Committee.
- 2.5 The position statement is a document which, in a similar way to the Statement of Licensing Policy, can be evolved as our towns and night time economy evolves. It is a living document which seeks to assist all stakeholders in reaching resolutions which meet the needs of all parties.
- 2.6 The position statement will need to be the subject of extensive consultation with all stakeholders and the responses to the consultation will need to be considered, and any amendment's made, by Licensing Committee before the document is recommended to Full Council.
- 2.7 The proposal, once Members have approved the wording for consultation, would be to start an 8 week consultation from 2<sup>nd</sup> April 2018 to 28<sup>th</sup> May 2018 and then to bring any responses seeking substantive changes back to Licensing Committee for consideration.
- 2.8 If the consultation results in no substantive changes then the position statement could be taken straight to full Council.

### 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

None.

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