

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 NOVEMBER 2018

REPORT BY HEAD OF HOUSING AND HEALTH

NIGHT TIME ECONOMY POSITION STATEMENT CONSULTATION
RESPONSES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

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

<u>RECOMMENDATIONS FOR DECISION: That</u>	
(A)	The wording of the position statement be endorsed; and
(B)	This final wording be recommended to Council for adoption as an addendum to the Council's Statement of Licensing Policy.

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 2016 for a period of five years and so must be re-determined by Council by 31 January 2021 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.
- 1.5 This draft was produced with a view to it forming an addendum to the Statement of 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 six week public consultation on the Draft Night Time Economy Position Statement closed at midnight on 12th August

2018. As Part of the consultation every person holding a licence issued by this authority under the Licensing Act 2003 received details of the consultation.

- 2.2 During the consultation 11 responses were received from various parties. These are broken down as follows:

Type of respondent	Number of responses
Resident	4
Responsible authority	1
Solicitor/licence holder	3
Town Councillor	1
Undisclosed	2

Of the residents that responded three were from Hertford and one was from Ware.

- 2.3 Some of the responses contained general comments and neither supported the draft NTE Position Statement nor suggested any amendments. Others contained a significant amount of detail regarding suggested amendments to the wording of the statement and other matters that might be included. All of the responses to the consultation can be found at **Essential Reference Paper B**.
- 2.4 The officer response to the comments received can also be viewed at **Essential Reference Paper B**. Amendments to the draft position statement have been made where it was believed it was appropriate or would aid the reader in understanding the process. These amendments in no way fetter Members' discretion to amend the NTE Position Statement as they see appropriate but are officer recommendations.
- 2.5 Where an amendment has been suggested in a response but the change has not been included in the final suggested draft a commentary has been included to explain this decision.

- 2.6 One of the responses highlighted that minor variations were not mentioned in the policy. Although this type of application is less likely to impact on the licensing objectives it is still open to, albeit shorter, consultation with the public and the responsible authorities. This has resulted in a number of amendments to the policy being made by officers beyond those suggested in the consultation response.
- 2.7 Members are asked to consider the amended Night Time Economy Position Statement and endorse the final wording before recommending it to 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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