



Full Council	Tuesday, 17 December 2019	Matter for Decision
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Report Title: **Statement of Licensing Policy (2020-2025)**

Report Author(s): **David Gill (Head of Law & Democracy / Monitoring Officer)**

Purpose of Report:	To obtain Full Council's approval of the proposed Statement of Licensing Policy (2020-2015).
Report Summary:	The report sets out changes to the proposed Statement of Licensing Policy which reflect the current legislative position.
Recommendation(s):	To approve the revised Statement of Licensing Policy shown at Appendix 1 which will come into effect on 1 January 2020.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law & Democracy / Monitoring) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Tony Cawthorne (Regulatory Services Manager) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	Customer Focus (V5) Accountability (V1)
Report Implications:-	
Legal:	The implications are set out in the report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	The report is satisfactory.
Consultees:	As set out in paragraph 2 of the report.
Background Papers:	None.
Appendices:	1. Statement of Licensing Policy (2020-2025)

1. Background

- 1.1 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 1.2 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 1.3 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st January 2015.
- 1.4 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Principles must be published by 31 December 2019.
- 1.5 On 5 September 2019 the Draft Statement of Licensing Policy was presented to the Licensing and Regulatory Committee for consideration following which members approved it for consultation.

2. Consultation

- 2.1 When revising its Statement of Licensing Policy, the Council is required to consult with:
 - the chief officer of police for the authority's area;
 - the fire and rescue authority for that area;
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 2.2 The Consultation ran from 6 September 2019 until 31 October 2019. Copies of the draft policy were sent directly to the authorities listed in 2.1 and an on-line consultation was advertised on the Council's website and social media accounts.
- 2.3 At the close of the consultation the Council had received no formal comments on the proposed draft.

3. Proposed Changes to the Statement of Licensing Policy

- 3.1 The proposed revised policy is based on the same template as the existing policy.
- 3.2 The revised policy contains a number of amendments and additional sections that have been added to the document to reflect changes to legislation and guidance that have been introduced since the last Statement of Licensing Policy took effect 1 January 2015.
- 3.3 The changes that have been made are highlighted shown in red within the document at Appendix 1 and the more significant changes that have been made are also summarised below.
- 3.4 A new section has been included to explain the implications of the Immigration Act 2016 on the exercise of the Council's functions under the Licensing Act 2003.
- 3.5 New sections have been included providing information on how the Council will deal with applications for personal licences and how it will deal with situations where it is considering suspending or revoking personal licences. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.6 The section explaining the Live Music Act 2012 and other entertainment licensing deregulation has been updated to reflect further deregulatory measures that have taken effect since the last Statement of Licensing Policy was published.
- 3.7 The section regarding cumulative impact has been rewritten to reflect changes that have been made to licensing authorities powers to adopt special policies on cumulative impact as a result of the provisions of the Policing and Crime Act 2017.
- 3.8 A new section has also been included providing information in relation to the local powers to deregulate the licensing of late night refreshment providers that were introduced under the Deregulation Act 2015.

4. **Recommendations**

Council is recommended to approve the proposed Draft Statement of Licensing Policy with an implementation date of 1 January 2020.