

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
29 November 2016

From: Director of Leisure and Environment (Acting)

Subject: **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**

All Wards

1.0 PURPOSE AND BACKGROUND

- 1.1 The purpose of this report is to seek approval from the Licensing Committee for the revision of the Licensing Act 2003 Statement of Licensing Policy.
- 1.2 In accordance with section 7 of the Licensing Act 2003, the responsibility for formulating the policy cannot be delegated to the Licensing Committee. Any decision in this respect must be taken by Council.

2.0 INFORMATION AND ANALYSIS

- 2.1 Licensing authorities are required under the Licensing Act 2003 to publish a Statement of Licensing Policy which they propose to apply when exercising their functions. The policy must be published at least every five years.
- 2.2 The existing policy was adopted in June 2012 and therefore the revision must be completed by June 2017.
- 2.3 The policy, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act.
- 2.4 Hambleton District Council, as the licensing authority, is required to discharge its responsibilities under the Act with a view to promoting the licensing objectives, namely:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.5 The licensing authority must have regard to its policy along with the Home Office Guidance when considering applications in respect of the following:
- personal licences;
 - premises licences;
 - club premises certificates; and
 - temporary event notices.
- 2.6 The draft policy takes account of recent legislative changes and provides additional guidance for the benefit of the public and trade. However, if the proposed revisions are implemented, there would be no significant changes in terms of procedure and interpretation.

- 2.7 On 31st May 2016, Members resolved to commence consultation on the draft Statement of Licensing Policy subject to the matter being referred back to the Licensing Committee for consideration of any responses received during the consultation period.
- 2.8 All responsible authorities, parish councils and ward councillors were subsequently consulted along with a number of trade bodies and government authorities. A notice was also published on www.hambleton.gov.uk to attract the attention of any visitors to the licensing section of the council's website.
- 2.9 One response was received from North Yorkshire Police and this is attached at Annex A. Two amendments have been suggested in order to clarify the council's position in relation to the application of the policy and the potential action following a licence review.
- 2.10 Four amendments have been made to the policy since it was considered by the Licensing Committee on 31st May 2016:
- Paragraph 1.2.6 has been amended to take account of the suggestions made by North Yorkshire Police in relation to the application of the policy;
 - Paragraph 2.6 has been added to take account of public health matters;
 - Paragraph 5.11.4 has been amended to take account of the suggestions made by North Yorkshire Police in relation to reviews of premises licences;
 - Paragraph 6.6.4 has been amended to extend the suggestions made by North Yorkshire Police in relation to reviews of club premises certificates.
- 2.11 The revised draft policy is attached at Annex B.

3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES

- 3.1 There are no significant financial implications associated with this report.

4.0 EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Council's equality duty has been considered and any implications have been addressed within the draft Statement of Licensing Policy.

5.0 LEGAL IMPLICATIONS

- 5.1 Failure to adopt a policy within the statutory timescales would constitute a breach of the Licensing Act 2003. Complying with the statutory requirements in the adoption of a Statement of Licensing Policy will protect the Council in the event of any future legal challenge.

6.0 RECOMMENDATIONS

- 6.1 That the Licensing Committee approves the revised Licensing Act 2003 Statement of Licensing Policy and recommends to Council that the revised policy be adopted.

PAUL STAINES
DIRECTOR OF LEISURE AND ENVIRONMENT (ACTING)

Background papers: Licensing Act 2003 Statement of Licensing Policy (June 2012)
Author ref: SF
Contact: Simon Fisher
Principal Licensing Officer
Direct Line No: (01609) 767209