

## FOR PUBLICATION

### LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

---

MEETING:                    1. LICENSING COMMITTEE  
                                  2. LICENSING COMMITTEE  
                                  3. CABINET MEMBER FOR HEALTH &  
                                  WELLBEING  
                                  4. CABINET  
                                  5. COUNCIL

DATE:                        1. 16 SEPTEMBER, 2015  
                                  2. 11 NOVEMBER, 2015  
                                  3. 17 NOVEMBER, 2015  
                                  4. 1 DECEMBER, 2015  
                                  5. 16 DECEMBER, 2015

REPORT BY:                LICENSING ASSISTANT

WARD:                        ALL

COMMUNITY                ALL  
ASSEMBLY:

---

#### 1.0 **PURPOSE OF REPORT**

1.1 The Council's Statement of Licensing Policy is concerned with the administration of the licensing functions required of the Council under the 2003 Act.

1.2 In accordance with the Licensing Act 2003 the Statement of Licensing Policy needs to be published every five years. The previous Policy was re-published in 2011. Therefore, the Policy needs to be approved by the Members via the Full Licensing Committee, Cabinet and Full Council and published by 7<sup>th</sup> January 2016.

1.3 The Draft Statement of Licensing Policy was approved by the Full Licensing Committee on 16<sup>th</sup> September 2015 and approved again on 11<sup>th</sup> November 2015 following consultation to members of the licensing trade. The Policy is

now referred to Cabinet for their approval before being referred to the full Council on 16<sup>th</sup> December 2015.

## **2.0 BACKGROUND**

- 2.1 The licensing statement sets out how the Council intend to administer and determine applications in accordance with Section 5 of the Licensing Act 2003.
- 2.2 The Council will ensure through their Policy and Guidance that the licensees will promote the four licensing objectives when operating their business.
- 2.3 The licensing objectives include; the prevention of crime and disorder, prevention of public nuisance, prevention of public safety and protection of children from harm.
- 2.4 Following the period of consultation the Licensing Committee resolved to support the Statement of Licensing Policy and refer it to Council via Cabinet for approval.

## **3.0 AMENDMENT TO POLICY**

- 3.1 Since the Policy was published in 2011 there have been changes in legislation which have been included in this edition of the Statement of Licensing Policy:-
  - The review period for publicising the Licensing Policy has been extended from three to five years.
  - Revisions to the 182 Guidance, the latest revision was dated March 2015.
  - Public Health has been included as a Responsible Authority which allows them to be consulted on applications for New and full Variations and able to apply for a Review of the Premises Licence.
  - There is no longer any requirement to renew Personal Licences.
  - Regulated entertainment (in particular amplified and unamplified live music, recorded music, plays, dance

and indoor sport) have been relaxed so many of these provisions are no longer licensable depending on the premises involved, and the times that the activities are to be held.

- Applicants can now make minor changes to their Premises Licence, i.e. additions or removal of details to their current licence, or to make minor changes to the layout of their plans.
- Mandatory conditions now include issues relating to permitted price of alcohol, irresponsible promotions, age verification policy, availability of alcohol in specific measurements, availability of free potable water, dispensing alcohol directly into the mouth, conditions relating to exhibition of films and conditions relating to door supervision.
- Requirement to accompany plans with applications for new, minor or full variations.
- The Premises Licence or Club Premises Certificate is suspended by the Council if the annual fee is not paid before the due date.
- The Public Space Protection Order or closure of premises associated with nuisance or disorder was implemented by the Anti-Social Behaviour Crime and Policing Act 2014 and can be adopted by the Council within three years of that date.
- The implementation of LATE TEN (Temporary Event Notices) means that applicants can apply for a temporary event giving between 5-9 days' notice.
- From the 1<sup>st</sup> January 2016 the number of TEN (Temporary Event Notices) events held at one premises per calendar year will be extended from 12 to 15 events.

3.2 Whilst revising the Statement of Licensing Policy, the Council have taken this opportunity to include the following:-

- Remove historical wording and additional explanations in comment boxes from the previous Policy.

- Put more emphasis on the applicant stating how they will take steps to promote, adhere and comply with the four licensing objectives.
- Set out clear guidance notes on how applications need to be completed and submitted to the Council.
- To include Officer delegation for them to grant an application for a premises licence or club premises certificate (or variation application) when it is uncontested and any relevant representations have been withdrawn subject to conditions which are agreed between the applicant and the responsible authority.
- To include procedures which will be followed by the Licensing Committee when determining applications in accordance with the Licensing Act 2003.

3.3 The Draft Statement of Licensing Policy was approved by the Full Licensing Committee on 16<sup>th</sup> September 2015.

3.4 This document was then circulated to members of the trade, responsible authorities, representatives of local premises licence holders, club premises certificate holders, personal licence holders and businesses and residents in its area for comments to the Council by 23<sup>rd</sup> October 2015.

3.5 The only comment made was an acknowledgement from the Home Office stating that they had noted the changes set out in the Council's Draft Statement of Licensing Policy.

3.6 The Government widely consult with authorities and members of the Licensing trade with regard to any proposed changes in the licensing law before they are implemented. This may be the reason why no comments were made to the consultation document as parties already had prior knowledge of proposed changes.

#### **4.0 RISK MANAGEMENT AND EQUALITIES**

In writing this report Licensing have considered the following standard corporate issues:-

- *legal and human rights*

- *prevention of crime and disorder*
- *health and safety*
- *consultation with the public and with stakeholder groups*
- *public relations/media*
- *implications for other services inside and outside the council*
- *sustainability and bio-diversity*

4.1 At 14.1 on the Policy the Council recognises that the Equality Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics (such as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The Council will consider relevant legislation implemented during the period of this Policy.

4.2 At 15.1 The Council will implement the 2003 Act in a manner consistent with the Human Rights Act 1998 or any other relevant legislation implemented during the period of this Policy.

4.3 With the addition of Public Health being a Responsible Authority there is reference to this in the Policy under 3.3 Public Safety:-

The Director of Public Health is responsible for making objections and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but is a responsible authority under the Licensing Act. The licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs and have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

4.4 As the Council wish to consider the need to protect children from sexual exploitation there is reference to this in the Policy under 3.5 The Protection of Children from Harm:-

The Council will encourage Licensees to consider ways that children can be protected from moral, psychological and physical harm. This could include protecting children from harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (i.e. exposure to certain films or adult entertainment). The Council will consider the need to protect children from sexual exploitation when undertaking licensing functions and it will aim to support the relevant agencies in this duty.

## **5.0 RECOMMENDATION**

- 5.1 That Cabinet recommend that the Statement of Licensing Policy to Full Council on 16 December, 2015 for their approval.
- 5.2 That in future that the Statement of Licensing Policy be referred straight to Full Council after being considered and supported by the Licensing Committee.

## **6.0 REASONS FOR RECOMMENDATION**

- 6.1 That in accordance with the Licensing Act 2003, the Statement of Licensing Policy is published every five years. The last edition was published in January 2011 so this edition needs to be approved and published by 7 January 2016.
- 6.2 It is recommended that Cabinet support the revised Statement of Licensing Policy and recommend it for referral to the full Council Meeting on 16 December 2015 for approval, and publication by 7 January 2016.

For more information on this report please contact the author, Kate Brookbank, Licensing Assistant on 01246 345230, email [kate.brookbank@chesterfield.gov.uk](mailto:kate.brookbank@chesterfield.gov.uk)