

Licensing Act 2003 – STATEMENT OF LICENSING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To discuss and agree upon the consultation process for the Council's Licensing Policy. Under Section 5 of the Licensing act 2003, the Council has a statutory duty to review its Licensing Policy every five years, the current policy is due to expire in December 2015.

Recommendations

1. That the Licensing Policy for Newcastle under Lyme be sent out for an eight week consultation period from 1st August 2015.
2. That the attached document relating to Child Sexual Exploitation and Human Trafficking / Modern Slavery be sent out as part of the consultation process.
3. That the Consultees for the Gambling Policy be agreed upon.
4. That the documentation for the consultation be agreed upon.
5. That the Committee consider the existing Policy and provide any initial comments on the content.
6. That the responses to the consultation be brought back to the meeting of the committee on 22nd October 2015.
7. That the updated Policy be presented for approval to Full Council at its meeting on Wednesday 25th November 2015.

Reasons

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

1. **Background**

Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- a) the chief officer of police for the area;
- b) the fire and rescue authority for the area;
- c) each local authority's Director of Public Health in England (DPH)11 or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- d) persons/bodies representative of local premises licence holders;
- e) persons/bodies representative of local club premises certificate holders;

- f) persons/bodies representative of local personal licence holders; and
- g) persons/bodies representative of businesses and residents in its area.

2. Issues

It is suggested that the current policy be sent out for Consultation on **Friday 31st July 2015** following discussions at this meeting for a period of 8 weeks ending on **Friday 25th September 2015**. This will allowing officers time to incorporate any comments received during the consultation into a report for this committee to consider on 22nd October 2015 prior to submission to Full Council on 25th November 2015.

The legislation is however deliberately wide to enable Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Licensing Policy.

Licensing Authorities may wish to consider the following:

- Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trust and advocacy agencies such as the Citizen’s Advice Bureau and trade unions.
- Consultation with other tiers of local government where they exist.
- Consultation with businesses that are, or will be, holders of a premises licence
- Consultation with the organisations names as responsible authorities in the Act.

It is intended to advertise the consultation on the Council’s website, on the Council’s notice board, by writing to all elected members, Parish and Town Councils, LAPS and to the Consultees detailed in the list attached at Appendix B. All current premises licence holders and personal licence holders will also be sent a copy of the correspondence. VAST will also be consulted as they will provide an email distribution to 412 contacts plus we will request that the consultation be placed on the VAST website and e-bulletin.

Any further suggestions for potential Consultees are welcomed.

3. Timetable

23 rd July 2015	Initial discussions at Licensing Committee
31 st July 2015	Licensing Policy send out for consultation
25 th September 2015	End of Consultation period
22 nd October 2015	Meeting of Licensing Committee to discuss responses to the consultation
13 th November 2015	Agenda sent out for Full Council
25 th November 2015	Meeting of Full Council to agree updated Policy

4. Legal and Statutory Implications

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

5. List of Appendices

Appendix A: Current Licensing Policy

Appendix B: Representation from Staffordshire Police regarding Child Sexual Exploitation and Human Trafficking / Modern Slavery

Appendix C: List of previous Consultees

Appendix D: Draft Statement of Licensing Policy Consultation Questionnaire

Appendix E: Draft Consultation Notices and letters.

Appendix F: Existing Consultees

6. Background Papers

Newcastle under Lyme Licensing Policy 2011