

Licensing Act 2003 – STATEMENT OF LICENSING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To consider the responses received in relation to the consultation on the draft Licensing Policy and to agree upon a final version of the draft policy for submission to Full Council on 25th November 2015.

Recommendations

1. That the Committee consider the responses received to the consultation exercise.
2. 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.

This consultation has now concluded and 2 responses have been received (attached).

2. **Issues**

Responses have been received from Trading Standards and Silverdale Parish Council, these responses are attached in full and summarised below:

Responses are also expected from Community Safety and Public Health and these will be sent to follow as soon as they have been received.

Summary of Response	Officer Recommendation
The response from Trading Standards refers to the fact that the Policy currently refers to a Challenge 21 Policy when the nationally recognised standard is now Challenge 25.	That this be implemented
Trading Standards also refer to the fact that Newcastle under Lyme takes applications for licences to the Sub Committee where conditions have already been negotiated by both parties.	As has previously been considered by this Committee this is the correct and only legal way to proceed where negotiations have taken place. A document from James Button is attached to this report regarding the legal background. That no further action be taken regarding this recommendation.
<p>The Policy currently states:</p> <p><i>The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant's proposals to meet the licensing objective of 'protecting children from harm'.</i></p> <p>Following discussions at the Responsible Bodies Group your Officers would recommend that the Responsible Body contact for the Protection of Children from harm be amended to:</p> <p>The Staffordshire Safeguarding Children's Board Staffs Safeguarding Children's Board Staffordshire County Council Wedgewood Building Tipping Street Staffs ST16 2DH sscb.admin@staffordshire.gov.uk</p>	That this be implemented.
Response from Silverdale Parish Council states that the Policy is very robust.	That this be noted.

3. 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.

4. List of Appendices

Appendix A: Draft Licensing Policy

Appendix B: Response from Staffordshire Trading Standards.

Appendix C: Response from Silverdale Parish Council

Appendix D: James Button Bulletin July 2015

5. Background Papers

Newcastle under Lyme Licensing Policy 2011