

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

LICENSING COMMITTEE

22 October 2019

Report Title: LGA Handbook for Councillors – Licensing Act 2003 Update

Submitted by: Head of Environmental Health Services

Portfolio: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To inform Members of the updated guidance document created by the Local Government Association for Locally Elected Members in respect of the Licensing Act 2003.

Recommendations

The Committee note the updated document.

Reasons

The guidance document is periodically updated by the Local Government Association. The most recent update was July 2019.

1. Background

1.1 The Local Government Association (LGA) regularly produce and subsequently update guidance documents on a range of matters that are dealt with by Local Authorities.

1.2 Since the Licensing Act 2003 came into force in 2005 the LGA have produced several versions of the guidance document “*Licensing Act 2003: Councillor’s Handbook (England and Wales)*” (handbook). The most recent update was released in July 2019. A copy is attached as Appendix A.

1.3 The handbook gives an overview or summary of the below areas:

- The Licensing Act;
- The role of councils in licensing;
- The role of responsible authorities
- The key permissions under the Act;
- Representations;
- Licence Conditions;
- Hearings and Appeals; and
- Responding to issues at licensed premises.

1.4 The updated areas include:

- Recent trends – the inclusion of data from various Government Department surveys;
- Statutory Guidance references have been amended;
- Case studies in relation to the setting of Licensing Policy;

- Reference to the House of Lords Select Committee Review;
- Which organisations are 'Responsible Bodies';
- Changes to Personal Licences;

2. **Issues**

- 2.1 The Licensing Act 2003 is administered and enforced by local authorities. The legislation sets down the roles and responsibilities of local authority officers and elected Members. It also provides for the constitution of the Licensing Committee and Sub-Committee when dealing with policy and contested applications.

3. **Options**

- 3.1 To note the updated handbook issued by the LGA.

4. **Proposal**

- 4.1 That Members note the updated handbook issued by the LGA.

5. **Reasons for Preferred Solution**

- 5.1 Not applicable

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 *The Council's corporate priorities are:*

- Local Services that work for Local People
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

- 7.1 The Council have a statutory duty to administer and enforce the Licensing Act 2003 in line with associated legislation, guidance and policy.

8. **Equality Impact Assessment**

- 8.1 Not applicable

9. **Financial and Resource Implications**

- 9.1 Not applicable

10. **Major Risks**

- 10.1 Not applicable

11. **Sustainability and Climate Change Implications**

- 11.1 Not applicable

12. **Key Decision Information**

12.1 Not applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 Not applicable

14. **List of Appendices**

14.1 Appendix A – July 2019 version of LGA Licensing Act 2003: Councillor's Handbook (England and Wales)

15. **Background Papers**

15.1 Not applicable