

REPORT TO: Regulatory Committee
DATE: 17th June 2015
REPORTING OFFICER: Chief Executive
PORTFOLIO: Resources
SUBJECT: Licensing Act 2003 Statement of Licensing Policy
WARDS: Boroughwide

1. PURPOSE OF REPORT

To authorise a consultation on a review of the Council's Statement of Licensing Policy.

2. RECOMMENDED: That

- 1. the Operational Director Legal and Democratic Services (OD-LD) be authorised to undertake a consultation exercise in respect of the Council's Statement of Licensing Policy in accordance with section 5 Licensing Act 2003;**
- 2. the OD-LD determine all matters relating to the consultation process; and**
- 3. the matter be reported back to the Regulatory Committee following the completion of the consultation process; and**
- 4. a voluntary code of good practice be prepared and brought to a future meeting for consideration.**

3. SUPPORTING INFORMATION

- 3.1 In 2010 the Council adopted a Statement of Licensing Policy in compliance with its obligations under section 5 Licensing Act 2003.
- 3.2 Statements of Licensing Policy used to last for periods of three years (subsequently extended to periods of five years) and must be reviewed by the Council for successive five year periods. These periods are maximum periods and Statements of Licensing Policy may be reviewed at shorter intervals should the need arise. A Statement of Licensing Policy cannot be re-adopted/revised before the completion of a consultation exercise. The current Statement of Licensing Policy is due to expire at midnight on 6th January 2016 and the new Statement of Licensing Policy must be in place on 7th January 2016.
- 3.3 This report recommends the delegation of matters relating to the consultation process to the OD-LD. Section 5 of the Licensing Act 2003 specifies the persons who must be consulted and the Statutory Guidance provides additional advice.

- 3.4 Following completion of the consultation exercise any comments and recommendations received will be reported back to the Regulatory Committee for consideration and recommendation to full Council. The appropriate Council meeting would be 14th October 2015. The re-adoption/revision of the Statement of Licensing Policy with or without amendments is reserved for full Council to determine. A special meeting of the Regulatory Committee will be convened to fit in with the Council meeting.
- 3.5 The consultation is about the existing Statement of Licensing Policy (which can be viewed on the Council's website). However, since amended policy guidance has been issued since the adoption of the existing policy an amended version reflecting those changes is attached as Appendix 1 to this report for information and to assist in the consultation process.
- 3.6 The Statement of Licensing Policy under the Licensing Act 2003 is analogous to the Statement of Gambling Policy issued under section 349 Gambling Act 2005 (which is also due to expire in January 2016).

4. POLICY IMPLICATIONS

- 4.1 Once adopted, the Statement of Licensing Policy will be used by applicants and the Regulatory Committee in accordance with the Licensing Act 2003.

5. OTHER IMPLICATIONS

- 5.1 There are no other implications arising out of this report.

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 Children and Young People in Halton

The Council's Statement of Licensing Policy operates under a separate statutory code but since it involves licensable activities it is designed to contribute to licensing objective of the protection of children from harm.

6.2 Employment Learning and Skills in Halton

N/A

6.3 A healthy Halton

Health is not a licensing objective but to the extent that health impacts on the licensing objectives health issues may be taken into consideration. Nevertheless, it is recognised that Halton faces particular challenges around alcohol use. Halton has Local Alcohol Area Status and an adopted local Alcohol Reduction Strategy. Given this, it is intended to produce a voluntary code of good practice which would be reported to the Committee for consideration.

6.4 A Safer Halton

The Council's Statement of Licensing Policy operates under a separate statutory code but since it involves licensable activities it is designed to contribute to licensing objective of the promoting public safety

6.5 Halton's Urban Renewal

N/A

7 RISK ANALYSIS

N/A

8 EQUALITY AND DIVERSITY ISSUES

N/A

9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

This report is based on the Licensing Act 2003 and the Statutory Guidance issued under Section 182 of that Act. See also the Council's existing Statement of Licensing Policy.