

Report to COUNCIL

Adoption of Revised Licensing Act 2003 Policy

Portfolio Holder: Cllr Brownridge - Cabinet Member for Neighbourhoods & Culture

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Executive Summary

This report requests that Members adopt the proposed Licensing Act 2003 policy which is required to be approved by a meeting of Council.

Recommendations

That Members:

- 1) Note the report; and
- 2) Adopt the new statement of Licensing Policy effective forthwith.

Adoption of Revised Licensing Act 2003 Policy

1. Purpose of the report

1.1 This report requests that Members approve the attached proposed Statement of Licensing Policy.

2. Introduction

2.1 The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate.

2.2 The Act is the primary piece of legislation that regulates the alcohol, entertainment and late-night refreshment industry. It is underpinned by four licensing objectives for which consideration must be given by operators and regulators alike. They are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety; and
- The Protection of children from harm

2.3 Failure to achieve this balance could lead the policy to being, both overly prescriptive and open to challenge, or alternatively though a failure to effectively promote the licensing objectives, ineffective to the needs of those adversely affected by licensable activities.

3. Proposed changes to the Policy

3.1 There are several updates being proposed which are highlighted in red in the proposed policy attached at Appendix 1. The changes cover:

- Protect Duty
- Protection of children from harm
- Child Sexual Exploitation and Child Criminal Exploitation

- Alcohol delivery services
- Boxing
- Public Health
- Pavement licences

4 Legal Services Comments

4.1 Every five years the Council must determine its policy with respect to the exercise of its licensing functions and publish a Statement of Licensing Policy. The draft policy complies with the guidance issued under Section 182 of the Licensing Act 2003. (A. Evans)

5 Financial Implications

5.1 No implications

6 Procurement Implications

6.1 No implications

7 Property Implications

7.1 None

8 Co-operative Agenda

8.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

9 Environmental and Health & Safety Implications

9.1 None

10 Equality, community cohesion and crime implications

10.1 None

11 Equality Impact Assessment Completed?

11.1 Yes

12 Key Decision

12.1 No

13 Key Decision Reference

13.1 N/A

14 **Background Papers**

14.1 None

15.0 **Appendices**

15.1 Appendix 1 – Proposed Policy