LICENSING AND REGULATORY BOARD

14 October 2015

| Title: Review of the Licensing Act 2003 - Statement of Licensing Policy |
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Report of the Principal Licensing Officer

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<th>Open Report</th>
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<td>Wards Affected: All</td>
<td>Key Decision: No</td>
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| Accountable Director: Glynis Rogers, Lead Divisional Director, Adult and Community Services |

Summary

The Licensing Act 2003 previously required local councils to review their Statement of Licensing Policy every three years. This has now been amended to every five years.

A draft reviewed statement of licensing policy has been developed for consideration by the Licensing and Regulatory Board before public consultation. Following the public consultation, the final policy will be presented to the Cabinet and Assembly for approval.

Recommendation(s)

The Licensing and Regulatory Board is asked to comment on the proposed new Statement of Licensing Policy.

Reason(s)

To assist the Council in achieving its priority of “Enabling social responsibility”.

1. Introduction and Background

1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every 5 years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the Act.

2. Proposal and Issues

2.1 A draft reviewed Statement of Licensing Policy has been prepared and is set out at Appendix 1.
2.2 The policy has been reviewed in accordance with the revised Guidance issued by the Home Office, under Section 182 of the Licensing Act 2003 and informal consultation has been undertaken with the Responsible Authorities, in preparation for formal consultation.

2.3 The policy has been updated to:

- Refresh our community priorities;
- Include additional guidance around planning and building control approval;
- Include references to the Barking and Dagenham Growth Strategy 2013 – 2023;
- Provide further details and guidance on the matters that should be addressed when demonstrating how the application will promote the four licensing objectives, through the operating schedule;
- Include legislative and guidance changes since the last review; and
- Reflect the creation of sub-committees to deal with matters requiring a licensing hearing.

3. Options Appraisal

3.1 The Licensing Act 2003 and associated guidance requires that the policy must be consulted on formally and prescribes what that consultation must include. Section 4 below details the steps that will be taken to carry out the consultation.

3.2 Following consultation, any comments will be assessed and incorporated into the Policy where necessary. Details of all comments received will be reported to the Board in January 2016 for consideration when the final draft is presented.

3.3 The final draft Policy will be presented to the Cabinet for endorsement and to the Assembly for adoption in February 2016.

4. Consultation

4.1 Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by LBBD will be written to, inviting them to view the draft policy and to make any comments by writing to the Licensing Department.

4.2 Consultation will also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; planning; public health and environmental health.

4.3 The draft policy will also be published on the Council’s website for comments.

4.4 The consultation period will be for at least 8 weeks.

4.5 All responses to the consultation will be reported back to the Board at the end of the consultation period.
5. **Financial Implications**

Implications completed by: Carl Tomlinson, Finance Manager

5.1 There are no financial implications for the Council as a result of carrying out a public consultation of the Licensing policy as any cost will be contained within existing budgets.

6. **Legal Implications**

Implications completed by: Chris Pickering, Principal Solicitor

6.1 The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The Policy must be consulted upon before adoption in accordance with the provisions of the Licensing Act 2003 as provided in section 4.

7. **Other Implications**

7.1 **Risk Management** – Failure to adopt a revised statement of Licensing Policy could result in a challenge to this authority by way of Judicial Review.

7.2 **Safeguarding Children** – One of the 4 licensing objectives is the protection of children from harm, the provision of a robust licensing policy will contribute to the safeguarding of children across the borough.

7.3 **Health Issues** – Currently Public Health is not a licensing objective under the licensing act 2003, Public Health are a responsible authorities and can contribute to the licensing process, references to Public Health are contained within this policy.

7.4 **Crime and Disorder Issues** - One of the 4 licensing objectives is the prevention of crime and disorder, the provision of a robust licensing policy will contribute to the prevention of crime and disorder around the night time economy and other licensable activities across the borough.

Public Background Papers Used in the Preparation of the Report:

- **Statement of Licensing Policy 2012 – 2015** (approved by Minute 74, Assembly 28 March 2012)
  

List of appendices:

- Appendix 1 – Draft Revised Statement of Licensing Policy.