

LICENSING AND REGULATORY BOARD

19 October 2016

Title: Licensing Act 2003 – Draft Revised London Borough of Barking & Dagenham Statement of Licensing Policy 2017-2022 – Public Consultation	
Report of the Operational Director Environmental Services	
Open Report	For Decision
Wards Affected: All	Key Decision: No
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Accountable Divisional Director: Jonathon Toy, Operational Director Enforcement Services	
Accountable Director: Claire Symonds, Strategic Director, Customer, Commercial and Service Delivery	
Summary The London Borough of Barking & Dagenham (LBBB) Statement of Licensing Policy deals with the licensing of alcohol, regulated entertainment and late night refreshment. The existing policy is being updated to bring it into line with current law, regulations, guidance and best practice. A draft revised policy has been prepared and this is currently out for public consultation. The Licensing and Regulatory Board are asked to consider whether it wishes to make any formal contribution to the consultation.	
Recommendation(s) The Board is asked to (i) Note the content of the Draft Revised LBBB Statement of Licensing Policy for 2017-2022; (ii) Consider whether it wishes to make a formal response to the consultation; and (iii) Subject to (i) above, confirm the additional matters that it wishes the final version of the policy to consider.	
Reason(s) The Council is required to have a policy by law. The policy is intended to promote both the licensing objectives stated in the Act and each of the Council's corporate priorities. It informs the licensing decision-making process and will support future licensing decisions that may be subject of appeal to the law courts.	

1. Introduction and Background

- 1.1 The Licensing Act 2003 made the Council responsible, as the local licensing authority, for licensing the sale and supply of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
- 1.2 The Act requires the Council to publish a statement of licensing policy that sets out how it intends to approach its licensing responsibilities and to review that policy every five years. Each revision of the policy is required to be the subject of public consultation.
- 1.3 This Authority's licensing policy was first produced in 2004. It has been reviewed at intervals since and is now due for revision. A draft revised policy was produced and reported to the Board at the meeting on 14 October 2015. The Board noted the content and the proposals for public consultation. The draft is currently out for public consultation. A copy is provided at **Appendix 1**.
- 1.5 The Board is asked whether it wishes to contribute to the consultation exercise by providing formal comments on the content of the draft policy.
- 1.6 The current consultation exercise specifically asks whether
- (i) The policy is clear and easy to understand;
 - (ii) The policy is balanced, fair and reasonable;
 - (iii) The approach taken within the statement of policy, by the council and partner agencies, to promoting each of the four stated licensing objectives is supported; and
 - (iv) The approach taken within the statement of policy, by the council and partner agencies, to enforcement is proportionate, balanced, consistent and fair.

2. Proposal and Issues

- 2.1 The primary intention of this draft revision of the statement of policy is to update the existing policy and ensure that it is consistent with the content of the Act, associated secondary regulations, relevant Guidance produced for local licensing authorities by the Home Office and current best practice.
- 2.2 The draft statement of policy aims to:
- (i) Set out how the Authority will promote the four stated licensing objectives, which are
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm;
 - (ii) Ensure that the Council fulfill's its duties under the Licensing Act in a way that benefits residents and businesses;
 - (iii) Boost the local economy; and
 - (iv) Encourage a range of licensed premises within the borough.

2.3 The main updates incorporated into the policy are intended to:

- Refresh the Council 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 by licence applicants when demonstrating how their licence application will promote the four (4) licensing objectives;
- Include changes in the governing legislation and guidance since the last review; and
- Reflect the creation of sub-committees to deal with matters requiring a licensing hearing.

3. Options Appraisal

3.1 An options appraisal is not relevant to this report.

3.2 This review of the statement of licensing policy is required by law. This update of the policy reflects how the governing legislation and this council's licensing policy and practice has developed since the introduction of the Licensing Act 2003.

4. Consultation

4.1 The draft revision has been produced through discussion with relevant partner services and agencies. Prior to the start of the public consultation the draft policy was considered by the Corporate Strategy Group and the Community Safety Partnership Board.

4.2 Public consultation on this draft policy commenced on Monday 3 October 2016. It runs through to Friday 25 November 2016.

4.3 The consultation is being promoted through the council's web site (where an e-questionnaire is available); the council's e-newsletter; twitter and facebook. All statutory consultees and relevant stakeholders are being contacted directly and made aware of the opportunity to comment on the draft.

4.4 All responses received will be considered and the draft policy may be further developed in the light of their content. All consultation responses will be published, together with commentary on each, when the final version of the policy is put forward to the Assembly for approval.

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager – Service Finance

5.1 The policy provides a framework for the delivery of LBBD's regulatory services. This revision is to bring the policy in line with relevant legislation, and best practice guidance and will improve transparency around enforcement processes.

5.2 The costs resulting from the adoption and implementation of this policy will be met from existing budgets.

6. Legal Implications

Implications completed by: Chris Pickering, Senior Lawyer

- 6.1 Any legal implications are contained within the body of the report. The Council is required by law to adopt a Statement of Licensing Policy and to keep this updated. The updated policy is currently out for consultation.

7. Other Implications

- 7.1 **Risk Management** - Failure to adopt a revised statement of Licensing Policy could result in legal challenges against the Council by way of Judicial Review.

- 7.3 **Corporate Policy and Customer Impact** – The draft statement of policy promotes each of the corporate priorities.

- (i) **Encouraging civic pride – Building pride, respect and cohesion across our borough** by promoting safe, socially responsible and well managed venues and leisure facilities
- (ii) **Enabling social responsibility – Supporting residents to take responsibility for themselves, their homes and their community and protecting the most vulnerable, keeping adults and children healthy and safe** by establishing an inclusive licensing process which provides for full participation of all interested parties in the decision-making process and establishing appropriate control measures over licensed premises to promote the licensing objectives.
- (iii) **Growing the borough – Developing a local, skilled workforce and improving employment opportunities and supporting investment in housing, leisure, the creative industries and public spaces to enhance our environment** by creating a licensing environment which supports responsible business operators to run their businesses successfully.

By creating an inclusive, participatory licensing process which encourages operators, regulators and local residents to come together to consider how licensed establishments can work 'hand in hand' with the local community, community cohesion is promoted and the potential for any inequalities to exist is reduced.

- 7.4 **Safeguarding Children** – The fourth licensing objective specifically deals with the protection of children from harm. Harm here refers to physical, psychological and moral harm. The licensing process looks to ensure that appropriate measures are put into place in licensed establishments to reduce the potential for harm to take place. This includes regard had to child sexual exploitation. The licensing authority will be working with Children's Services and partners to promote this licensing objective.

- 7.5 **Health Issues** – Health is not a specific licensing objective. However, irresponsible consumption of alcohol may cause health harm impacts. The draft statement of policy promotes socially responsible premises management which will help support health improvements.

- 7.6 **Crime and Disorder Issues** – The protection of crime and disorder is a specific licensing objective. The licensing process looks to ensure that appropriate measures are put into place within licensed establishments to reduce the potential for crime and disorder to take place. The Authority and partner agencies will also work together to ensure a targeted, risk assessed approach to enforcement that will focus upon irresponsible and illegal operators.
- 7.7 **Property / Asset Issues** – Some council facilities may be subject to licences. Applications for licences made in respect of council premises will be subject to the same process and practice as all other licensed establishments.

Public Background Papers Used in the Preparation of the Report:

- None

List of appendices:

- Appendix 1 – The London Borough of Barking and Dagenham Draft Statement of Licensing Policy 2017 - 2022.