

WILTSHIRE COUNCIL

LICENSING COMMITTEE

14TH SEPTEMBER 2012

LICENSINGACT2003

REVIEWOFSTATEMENTOFLICENSINGPOLICY

Executive Summary

This report provides a position statement on the review the statement of licensing policy following its approval by Wiltshire Council on 1 December 2009

It informs members of the Licensing Committee of relevant changes that have occurred in the years since the policy was approved and suggests a way forward.

Recommendations

It is recommended:

That the licensing Committee note this position statement and agree to continue the use of the existing statement of licensing policy as approved by Council on 1 December 2009, but that a full review be carried out during 2013.

Reason for Proposal

Statutory requirements for the Council

The Government has conducted a review of the licensing regime but the changes included in the Police Reform and Social Responsible Act 2011 has meant a delayed introduction which makes a review at this time inappropriate.

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REVIEW OF THE STATEMENT OF LICENSING POLICY

Purpose of Report

1. Wiltshire Council approved the Statement of Licensing Policy under the Licensing Act 2003 at its meeting on 1 December 2009, and it was subsequently reviewed at the meeting of the Licensing Committee held on 30th November 2010.
2. This report details changes which have occurred in licensing issues following the Police Reform and Social Responsibility Act 2011, and advises members on a way forward with respect to a review of the Statement of Licensing Policy.

Background

3. Wiltshire Council, as the Licensing Authority, is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
4. The Act was originally designed to be light touch legislation covering a number of 'licensable activities'. Such activities are defined within the Act and broadly relate to the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
5. The existing licensing policy can be found from the following link:
<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=150&MId=5125&Ver=4>
6. Since the policy was approved a number of significant changes have occurred which are relevant to both the policy and licensing regime as a whole.
7. This includes the requirement in the Licensing Act for Local Authorities to review their licensing policy statements every three years has been increased to five. As Wiltshire Council produced a new policy at the end of 2009, it is not required to undertake such a review until 2014, however, in view of the recent changes it is likely that amendments will need be made to the statement of licensing policy during 2013.

Issues affecting the policy

8. On 25th April 2012 the Government laid a commencement order for the majority of the licensing changes included in the Police Reform and Social Responsibility Act 2011. At the same time the Home Office published revised guidance for licensing authorities which not only covers the amended sections of the Act but also makes changes to other aspects of licensing interpretation and administration.
9. Two key elements of licensing reform are not due to come into effect until later this year, i.e. Early Morning Restriction Orders and Late Night Levies. These are dealt with in a separate report to be considered by this Committee

Options

There are two options:

- Change the policy.
- Keep the existing policy until the introduction of Late Night Levies and Early Morning Restriction Orders.

Change the policy

10. The policy could undergo a comprehensive review. This would have to include an extensive consultation process as was done prior to the introduction of the existing policy.
11. As stated earlier in the report, the Act requires that statements of policy must now be reviewed every five years. Any review now could be regarded as being premature given that further changes would have to be made to it following the introduction of Early Morning Restriction Orders and Late Night Levies.

Keep the existing policy

12. The existing policy has been tested through the hearing and review processes since its introduction, and has not been contested by any licensees, or their legal representatives.

Environmental Impact of the Proposal

13. There is minimal environmental impact of this proposal. Successful application of the Licensing Act functions will reduce the impact of licensable activities on the public i.e. noise and public disorder.

Equality and Diversity Impact of the Proposal

14. The impact of this proposal is assessed as 'low' against the Council statutory responsibilities.

Risk Assessment

15. The existing policy is fit for purpose and as such the council is not subject to any significant risks.

Financial Implications

16. If the existing policy is retained there are no additional costs. Further consultation may attract some minor additional costs.

Legal Implications

17. The licensing service is a high profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry, economic viability and a safe night time economy. The balanced application of licensing functions is critical for the reputation of the council and for building trust and confidence in its service provision.

Conclusion

18. Following this limited review of the statement of policy it is concluded that a full review process is not warranted at present and until the Council's policy relating to Early Morning Restriction Orders and Late Night Levies has been agreed.

Background Papers

The Licensing Act 2003

The Police Reform and Social Responsibility Act 2011

Appendices

None