

Report to Council

Date of meeting: 5th December 2018

By the Head of Environmental Health and Licensing

DECISION REQUIRED



**Horsham
District
Council**

Review of Licensing Policy (Licensing Act 2003)

Executive Summary

The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy.

Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.

As the Council did not receive any representations the Environmental Health and Licensing Manager in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Licensing Policy at Appendix 1

Recommendations

That the Council is recommended:

- i) Approve the Licensing Policy as set out at Appendix 1 to this report as council policy

Reasons for Recommendations

- i) To comply with legislative requirements
- ii) To ensure openness and transparency in the Council's decision making

Background Papers: None

Wards affected: All

Contact: Chris Boyle (Licensing Officer) Ext 5578.

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek the Council's approval of the Licensing Policy at Appendix 1 as council policy.
- 1.2 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy. The Council's current Policy came into force on 31 January 2014. The Council has now to adopt a new policy to come into force by 31 January 2019.

2 Relevant Council policy

- 2.1 The Council's existing Licensing Policy

3 Details

- 3.1 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy.
- 3.2 Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.
- 3.3 At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation (Appendix 1). The period of consultation ran until the 18 September 2018.
- 3.4 The draft Licensing Policy was sent to a wide range of consultees including: -
 - All Statutory Consultees (Police, Fire and Rescue Service, Health and Safety, Planning, Social Services)
 - All Members
 - All Parish and Neighbourhood Councils
 - Trade Representative Bodies
 - The consultation was also published on Horsham District Council's website and the local press were informed.

No responses were received from any of the above.

4 Next Steps

- 4.1 As the Council did not received any representations the Head of Environmental Health and Licensing in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Licensing Policy set out at Appendix 1.

5 Outcome of Consultations

- 5.1 At its meeting on 7 June 2018 the Licensing Committee approved a draft Licensing Policy for consultation. The period of consultation ran until the 18 September 2018.
- 5.2 No representations were received during the three month statutory consultation process.
- 5.3 The Director of Corporate Resources and the Monitoring Officer have reviewed the policy and support its adoption. The policy will give clarity in respect of decisions and thereby help give protection from legal challenge.

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Resource Consequences

- 7.1 There are no financial consequences arising from this report

8 Legal Consequences

- 8.1 The Licensing Act 2003 currently requires Licensing Authorities to publish at least every five years a statement of their Licensing Policy. Applications for licences under the Licensing Act 2003 have to be made in accordance with the Licensing Authority's Licensing Policy. The policy, which has to be approved by full Council (as the Licensing Authority), has to be the subject of public consultation and the comments received have to be taken into account before formally adopting the policy.

9 Risk Assessment

- 9.1 The Licensing Policy has been subject to statutory consultation and as no representations were received no changes have been made to the policy which has served the Council well since 2005

10 Other Considerations

- 10.1 One of the licensing objectives is preventing licensable activities from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 10.2 There will be no impact on different equality groups issuing from this report.