

Report to Licensing Committee

07 June 2018

By the Head of Environmental Health & Licensing

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Review of Licensing Policy (Licensing Act 2003)

Executive Summary

The Licensing Act 2003 (as amended) 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 Act and the relevant Licensing Authority's Licensing Policy. The Council's first Licensing Policy following consultation and adoption by the council came in to force on 07 January 2005. It was subsequently reviewed and the current Policy came into effect on 31 January 2014.

The policy, which has to be approved by the full Council (as the Licensing Authority), has to be the subject of public consultation for 3 months and the comments received have to be taken into account before formally adopting the policy.

Set out at Appendix 1 to this report is the consultation draft of the Council's statement of licensing policy (licensing) to be reviewed.

Recommendations

The Committee is recommended:

- i) Approve the Licensing Policy set out at Appendix 1 to this report as a consultation policy, and
- ii) Instruct the officers to consult for a period of three months on the draft policy commencing on 18 June 2018.
- iii) That, subject to their being no relevant representations that the Head of Environmental Health & Licensing in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Licensing Policy.
- iv) Should relevant representations be received, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

Reasons for Recommendations

- i) To comply with legislative requirements, and
- ii) To ensure openness and transparency in the Council's decision making, and
- iii) To ensure that those persons affected by the policy have the opportunity to have an input into it.

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 approval for a revised draft of the Council's Licensing Policy in order that it can be released for consultation by 18 June 2018. The report also sets out the process and timescale for the consultation and formal approval for the Policy by the Council.

2 Relevant Council policy

- 2.1 Licensing Policy adopted on January 2005 and amended every 5 years since in line with the Licensing Act 2003.

3 Details

- 3.1 Set out at Appendix 1 to this report is the Council's statement of licensing policy to be approved by the Committee for consultation purposes. The current policy came into effect in 31 January 2014. It was subsequently reviewed and has served the Council well. There have been no negative comments since the policy was implemented and no major changes in legislation, therefore only minor amendments have been made.

- 3.2 Comments will be invited from a wide range of consultees including: -

- Statutory Consultees (Police, Immigration, Fire, Trading Standards, Social Service, NHS, etc),
- All Council Members,
- Parish and Neighbourhood Councils,
- Some Licensed Premises,
- Premises Licence Holders,
- Legal Representatives,
- Trade Representative bodies, and
- The public via our website.

- 3.3 The Committee is recommended to approve the Draft Policy for consultation.

4 Next Steps

- 4.1 Following approval by the committee the consultation will last for 3 months with responses requested back by 18 September 2018

- 4.2 Following the period of consultation officers will analyse any responses. Should there not be any relevant representations it is recommended that the Head of Environmental Health & Licensing in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Licensing Policy. Should relevant representations be received, officers will recommend amendments to the draft policy where appropriate or give reasons why suggested alterations are not made and prepare a report for the Licensing Committee with a final draft policy for committee to recommend to full Council on 05 December 2018 for adoption by the Council

5 Outcome of Consultations

- 5.1 Should there be any relevant representations resulting from the consultation process, they will be reported to the Licensing Committee.

6 Other Courses of Action Considered but Rejected

- 6.1 None.

7 Resource Consequences

- 7.1 None

8 Legal Consequences

- 8.1 The legal implications are contained within the body of this report.

9 Risk Assessment

- 9.1 This is a Statutory Requirement under the provisions of the Licensing Act 2003 and failure to comply could lead to adverse publicity and possible action against the authority instigated by the relevant Government Department.

10 Other Considerations

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