



AGENDA ITEM: 8

**LICENSING AND GAMBLING
COMMITTEE: 2 DECEMBER
2014**

COUNCIL: 17 DECEMBER 2014

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr Paul Charlson (Extn 5246)
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**SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY
REQUIRED BY THE LICENSING ACT 2003**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the revised Statement of Licensing Policy as required by the Licensing Act 2003.

2.0 RECOMMENDATIONS

2.1 That the revised Statement of Licensing Policy attached as Appendix 3 to this report be approved, prior to submission to Full Council for final approval and publication.

2.2 That the Hearing Procedure (attached as Appendix 6 to this report), Review Hearing Procedure (attached as Appendix 7 to this report), and Members Visit Protocol (attached as Appendix 8 to this report) be approved.

3.0 BACKGROUND

3.1 Members will recall the report of 22 July 2014 attached as Appendix 2 to this report, which requested approval of a revised draft statement of Licensing Policy (Policy Statement).

3.2 The draft Policy Statement was approved and in accordance with the statutory guidance issued under Section 182 of the Act (the Guidance), the draft Policy Statement was subject public consultation. The consultation was carried out under existing delegations to the Assistant Director Community Services and lasted just over the recommended 12 weeks, running from the 1 August 2014 until the 31 October 2014.

3.3 The consultation involved direct contact with those listed under Section 5(3) of the Act, namely:

- Chief Officer of Police for the Licensing Authority's area;
- The Fire Authority for that area;
- Those representative of premises licence holders, club premises certificate holders, personal licence holders, businesses and residents in the area.

3.4 Furthermore, to comply with the Guidance, the consultation also included Community Safety Partnerships, local A&E departments, Trading Standards, local tourism representatives, local performers' representatives etc. The full list of those consulted is attached at Appendix 4 to this report.

3.5 Two press statements were also issued during the consultation period and the draft Policy Statement was published on the Council's website.

4.0 CURRENT POSITION

4.1 Those responses received during the consultation period have been assessed and the detail is provided in Appendix 5 to this report. The responses have resulted in several amendments to the final Policy Statement attached at Appendix 3. For the benefit of Members, all changes are highlighted throughout the document.

5.0 ISSUES

5.1 In order for the Council to comply with its statutory duties as Licensing Authority, the Policy Statement attached as Appendix 3 to this report must be approved by this Committee and subsequently by Full Council.

5.2 Assuming approval by this Committee, the Policy Statement will be presented to Full Council on 17 December 2014. If approved by Full Council, the Policy Statement will be published before the 7 January 2015, coming into force on the 7 February 2015.

5.3 To supplement the revised Policy Statement, several supporting documents have also been reviewed. Accordingly, approval is sought of the following:

- Hearing Procedure attached as Appendix 6 to this report;
- Review Hearing Procedure attached as Appendix 7 to this report;
- Members' Site Visit protocol attached as Appendix 8 to this report.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 The operation of the Act has the potential to impact upon many areas within the Community. The proposal links to the 'Safer Communities, Stronger Communities', the 'Economy and Jobs' and the 'Improved Health for All' Key Objectives of the Sustainable Community Strategy.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 The contents of this report can be delivered within existing resources.

8.0 RISK ASSESSMENT

8.1 Whilst, the Council has a legal duty to carry out the functions of the Act, it is not under a statutory obligation to review the current Policy Statement until 7 February 2016. However, the Licensing and Gambling Committee has previously made the decision to review the content of the current Policy Statement as it does not accurately reflect relevant legislation and guidance.

8.2 Any failure to administer a review of the Policy Statement appropriately is a breach under the Act and would render any future licensing decisions potentially unlawful. Accordingly, there is significant involvement from, and impact upon, relevant statutory bodies, the licensed trade, the public and other interested parties.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Guidance issued under section 182 of the Licensing Act 2003 – October 2014

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- 1 Equality Impact Assessment
- 2 Licensing and Gambling Committee report: 22 July 2014
- 3 West Lancashire Borough Council: Licensing Act 2003 - Statement of Licensing Policy 2015
- 4 Consultation list
- 5 Consultation response assessment
- 6 Hearing procedure
- 7 Review hearing procedure
- 8 Members site visit protocol
9. Minute of Licensing & Gambling Committee 2 December 2014 (Council only)

Appendix 1

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. The legislation applies equally to all relevant activities and premises.</i></p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p><i>The legislation requires that all relevant activities require a licence, without exception.</i></p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>The Act requires the Council to implement its licensing policy following a period of public consultation, based on the detail of a draft policy. The final version of the policy will be approved using any comments received during the consultation period.</i></p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></p> <p><i>Foster good relations between people who</i></p>	<p><i>No. The recommendations contained in this report apply equally to those activities required under relevant legislation.</i></p>

<i>share a protected characteristic and those who do not share it.</i>	
5. What actions will you take to address any issues raised in your answers above?	N/A.