

# LICENSING COMMITTEE (LICENSING ACT 2003) FUNCTIONS)

## Agenda Item 6

Brighton & Hove City Council

<b>Subject:</b>	<b>Statement of Licensing Policy amendments due to revised legislation and guidance</b>		
<b>Date of Meeting:</b>	<b>Licensing Committee (Licensing Act 2003 functions) 28/06/2012 Full Council</b>		
<b>Report of:</b>	<b>Head of Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rebecca Sidell</b>	<b>Tel: 29-1511</b>
	<b>Email:</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as Licensing Authority, has a statutory duty to review its Statement of Licensing Policy (SoLP) every five years and during this period to keep its policy under review.
- 1.2 The changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011 came into force on the 25<sup>th</sup> April 2012. The Home Office issued revised Statutory Guidance to the Act on the 25<sup>th</sup> April to reflect these changes.

#### 2. RECOMMENDATIONS:

- 2.1 That the committee notes the proposed amendments to the Statement of Licensing Policy as summarised at Appendix A.
- 2.2 That the committee authorises the Head of Regulatory Services to carry out a minimal consultation with statutory consultees and report back to full Council without the need for this committee to receive a further report unless significant responses following consultation are received and further substantial amendments to the policy are proposed.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make any

revisions to it as it considers appropriate.

3.2 The changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011 came into force on the 25<sup>th</sup> April 2012. The Home Office issued revised the Statutory Guidance to the Act on the 25<sup>th</sup> April to reflect these changes.

The headline changes to the Licensing Act are as follows:

- Licensing authorities as responsible authorities
- Primary Care Trusts as responsible authorities
- Abolition of interested parties
- Appropriate replaces necessary
- Temporary event notices
- Suspension of licences for non-payment of fees

3.3 In light of these changes and the revised statutory guidance it is felt appropriate to amend and update the SoLP so that it is consistent with the changes now in force. The changes proposed are minor in nature and are flagged up at Appendix A.

3.4 Because the proposed amendments are consequential upon the amended legislation and guidance, it is not deemed necessary to carry out a wide consultation but rather a simple exercise in line with the minimum statutory requirements.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 Before determining or revising its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Licensing Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- The Primary Care Trust;
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.

The views of all these persons/bodies listed should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so.

**5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 Any costs associated with the recommendations in this report are being met out of existing licensing revenue budgets. There are no other direct financial implications.

*Finance Officer Consulted: Name Karen Brookshaw Date: 15/06/12*

Legal Implications:

- 5.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and the Statutory Guidance.

*Lawyer Consulted: Name Rebecca Sidell Date: 11/06/12*

Equalities Implications:

- 5.3 There are none arising from this report.

Sustainability Implications:

- 5.4 There are none arising from this report

Crime & Disorder Implications:

- 5.5 There are none arising from this report.

Risk and Opportunity Management Implications:

- 5.6 None identified

Public Health Implications:

- 5.7 The PCT is now a responsible authority under the Licensing Act 2003.

Corporate / Citywide Implications:

- 5.8 None identified

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 To delay amendments to policy. It was felt appropriate to make the minor changes consequential upon the legislative changes at this stage.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 The Licensing Act 2003 states that the Statement of Licensing policy must be determined by Full Council.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. A. Summary of amendments to the Statement of Licensing Policy

#### **Documents in Members' Rooms**

None

#### **Background Documents**

None