

Gloucester City Council

Meeting:	Licensing & Enforcement Committee Council	Date: 8 December 2015 25 February 2016
Subject:	Revised Licensing Policy Statement – Licensing Act 2003	
Report Of:	Head of Public Protection	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: Yes
Contact Officer:	Lisa Jones – Food, Licensing & Markets Service Manager	
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Appendices:	1. Draft Revised Licensing Policy Statement 2. List of Consultees 3. Formal Written Responses	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present to members the result of the consultation on the Draft Revised Licensing Policy Statement.
- 1.2 To agree a final draft version of the Licensing Policy Statement for adoption by Council at the meeting on 28th January 2016.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Licensing Policy Statement and **RECOMMEND** that:
 - (1) The revised Licensing Policy Statement – Licensing Act 2003, is approved and adopted by Council.
- 2.2 Council is asked to **RESOLVE**:
 - (1) To adopt the Licensing Policy Statement 2016-2021 – Licensing Act 2003 as set out in Appendix 1.

3.0 Background and Key Issues

- 3.1 The Council is the Licensing Authority for the purposes of the Licensing Act 2003.
- 3.2 The Licensing Act 2003 requires the Council to produce, consult on and publish a Policy Statement that sets out the policies the Licensing Authority will apply in exercising its functions under the Licensing Act 2003.

- 3.3 Gloucester City Council published its existing Licensing Policy Statement to take effect from 7th January 2011. At the time, the statutory maximum review period was three years. Section 122 of the Police Reform and Social Responsibility Act 2011 amended Section 5 of the Licensing Act 2003, and changed the period of time which a local authority should review their Licensing Policy Statement from 3 years to 5 years.
- 3.4 The Licensing Policy Statement is now due to be reviewed and the new Statement will need to be in place by 31st January 2016.
- 3.5 The Licensing and Enforcement Committee on 15th September 2015 approved the draft revised Licensing Policy Statement for the purposes of consultation.
- 3.6 The document has been subject to a 10 week consultation that ran from 16th September 2015 until 24th November 2015.
- 3.7 A list of consultees is attached at Appendix 2.
- 3.8 In addition the consultation was published on the Council's website.
- 3.9 In total three formal written responses were made by email and these are attached as Appendix 3 and are summarised below.

3.10 Response from Gloucestershire Constabulary

The Police comments are asking for an extra paragraph in the Policy relating to regular risk assessments of premises in particular in the area covered by the Cumulative Impact Zone.

- 3.11 The Police comments have been added to the draft revised policy at paragraph 10.6 on page 24 and shaded in red.

3.12 Response from Cllr Lise Noakes – Barnwood Ward

Cllr Noakes comments are asking for an extra paragraph in the Policy under Prevention of Public Nuisance relating to litter clearance.

- 3.13 Cllr Noakes comments have been added to the draft revised policy at paragraph 6.5 (iv) on page 18 and shaded in red.

3.14 Response from Charlotte Bowles-Lewis - Principal Conversation & Design Officer

The Conservation team would like the following points added to the policy:-

2.4 and 2.5 – Consultation should include the conservation team where an application impacts on a listed building and or within a conservation area.

3.5 Need to include discussion with conservation team regarding listed buildings and conservation areas to ensure that alterations or use is appropriate and without negative/harmful impact to significance of the building or area.

3.6 Need to include compliance with listed building regulations.

3.12 Whereby conditions are applied for example noise requirements, erection of flues, shutters or installation of cctv the conservation team should be notified, internal shutters within a listed building would require a listed building application and will require prior consultation to ensure the premises can accommodate this change.

3.15 Under the Licensing Act 2003 Planning is a responsible authority. This means that a copy of all new and variation applications are sent to the Planning Department during the consultation period. The Conservation Team should already have processes in place to receive these applications and can deal with the above points under their own planning legislation.

3.16 With this in mind the points that have been raised are planning objectives and not licensing objectives, therefore we are unable to incorporate them into the draft revised policy.

4.0 Asset Based Community Development (ABCD) Considerations

There is a legal process within the terms of the Licensing Act 2003 we must follow. However, giving communities as much information about an application as we can by providing help and advice where it is needed should also be a consideration. We will engage with the Partnership and Engagement Team to develop an effective communication process.

5.0 Reasons for Recommendations

5.1 The Licensing Policy Statement sets out how Gloucester City Council intends to administer its duties under the Licensing Act 2003.

5.2 To ensure the Council complies with the Licensing Act 2003.

6.0 Future Work and Conclusions

6.1 The Council must publish its Licensing Policy Statement prior to 29th January 2016 so that it may be effective from that date.

6.2 The next revision of this Policy will be undertaken no later than autumn 2020 unless statutory requirements are subsequently amended.

6.3 The draft Licensing Policy Statement has been widely consulted upon and the feedback is contained within this report. Apart from minor amendments already made to the draft document Members must decide whether they wish for any other amendments to be made before the final version is approved by Full Council.

7.0 Financial Implications

7.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The Act requires Gloucester City Council to prepare a Statement of Licensing Policy to cover each 5 year period. The Policy must contain the principles that the Council proposes to apply in exercising its function under the Act during the period. Gloucester City Council must undertake consultation prior to determining the final Statement of Licensing Policy. Failure to determine the Statement of Licensing Policy could lead to judicial challenge.

(One Legal have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 The risk management implications for this report and Licensing Policy Statement are as follows:-

- Licensing Policy Statement unfair or too prescriptive.
- Revised Licensing Policy Statement not published on time (by 29th January 2016).
- Consultation is inadequate.

10.0 People Impact Assessment (PIA):

10.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion. No adverse impacts were identified.

11.0 Other Corporate Implications

Community Safety

11.1 The Licensing Policy Statement aims to promote community safety through good management practices and interventions. Promoting public safety is one of the four licensing objectives.

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents:

Gloucester City Council's Statement of Licensing Policy 2011-2014

Licensing Act 2003

Police Reform and Social Responsibility Act 2011

Revised Guidance issued under section 182 of the Licensing Act 2003 – March 2015