

Report to Licensing Committee

Report reference: LSC-008-2012/13

Date of meeting: 10 October 2012



**Epping Forest
District Council**

Portfolio: Safer, Cleaner & Greener.

Subject: Draft Statement of Licensing Policy.

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To consider the alterations to the Statement of Licensing Policy and whether it requires any further amendments to be included; and**
- (2) To instruct Officers to conduct a public consultation in respect of the draft Statement of Licensing Policy.**

Report:

1. The current Statement of Licensing Policy was adopted in 2011 and does not need to be reviewed until February 2014. However, because of amendments made to the Licensing Act 2003 ('2003 Act') by the Police Reform and Social Responsibility Act 2011 ('2011 Act') which have recently come into force, it is recommended that the policy is reviewed now.
2. The Home Office provides guidance on:
 - the development and preparation of local licensing policies;
 - the general principals it recommends should underpin them; and
 - the core content.
3. New guidance was issued in April 2012 and amendments have been made to the Statement of Licensing Policy to reflect this. A draft of the amended version of the Statement of Licensing Policy is attached to the agenda. Most additions are shown on bold and wording which it is proposed should be deleted has been struck through. Some references to legislation and policies have been updated but not shown.
4. The new guidance requires the Council to recognize the Authority's Equality Duty and explain how the duty is complied with. After replies have been received to the proposed consultation exercise a Customer Impact Assessment with regards to Equality issues will be prepared and any issues will be reported to the Committee. Paragraph 1.14 has been included in the draft policy to reflect this practice.
5. When licensing applications are received the responsible bodies as named by the 2003 Act must be consulted and may make representations. The 2011 Act added the Licensing Authority and the Primary Care Trusts (and any replacement body) to the list of Responsible Authorities to the list of those Responsible Authorities. Paragraph 1.23 has been amended to reflect this.
6. The 2003 Act originally provided that only persons or businesses in the vicinity of a premises which was the subject of an application could make a representation. The 2011 Act removed the vicinity test. It is therefore open to any person or body to make a representation although the representations must be related to one of the four licensing objectives. A

number of amendments have been made to the draft policy to reflect this.

7. The 2011 Act amended the Licensing Act 2003 so that the Authority may impose any conditions on a licence or a club certificate that are 'appropriate'. Prior to that the conditions imposed had to be 'necessary'.

8. The government guidance suggests a number of issues that premises licence holders or club premises certificate holders should take into account when preparing their operating schedules when considering the Protection of Children from Harm objective. The policy has been amended in line with guidance to make this clearer.

9. The Authority exercising its environmental functions may now object to a Temporary Event Notice. Prior to the 2011 Act provisions being implemented only the police could do so. The schedule of delegations has therefore been amended accordingly.

Resource Implications:

None.

Legal and Governance Implications:

Licensing Act 2003.

Safer, Cleaner and Greener Implications:

The purpose of the amended policy is to better regulate licensing in the District.

Consultation Undertaken:

It is intended to consult those mentioned in the draft policy.

Background Papers:

Amended Guidance issued under S182 of the Licensing Act 2003
Documents listed in the policy document
Statement of Licensing Policy 5th February 2011 to 5th February 2014

Impact Assessments:

Risk Management

None identified at the current time.

Equality and Diversity

To be completed on receipt of the replies to the consultation exercise.