

# **Report to the Licensing Committee**

**Date of meeting: 14 April 2010**



**Epping Forest  
District Council**

**Subject: Statement of Licensing Policy**

**Responsible Officer: Alison Mitchell  
Assistant Director (Legal) (01992 564017)**

**Democratic Services: Adrian Hendry (01992 564246)**

---

## **Recommendation:**

**That the Committee notes the statutory requirement for the Licensing Authority to review its licensing policy and agrees to consultation being undertaken on the attached draft policy.**

## **Report:**

1. The draft of a new policy is attached. Some amendments have been proposed to the current policy to comply with new guidance issued by the Department of Culture, Media and Sport (DCMS) but these are of a minor nature.

## **Reasons for Proposed Decision:**

2. The Licensing Act 2003 ('the Act') requires that a Licensing Authority reviews and publishes its licensing policy every three years and for consultation to take place on the proposed policy.

## **Other Options for Action:**

3. There is no legal option other than to carry out the review and consultation.

## **Background**

4. The review of the current policy must be completed before February 2011 to comply with the Act. The attached document has been amended to include new headings, the paragraphs are numbered and references to policies updated. There has also been the inclusion of more minor changes required by guidance.

5. The DCMS guidance requires that the Licensing Policy must describe how the Licensing Authority will promote the licensing objectives set out in the Act, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the protection of children from harm; and
- (d) the prevention of public nuisance.

6. The policy must also describe the consultation undertaken and the various strategies and policies the Council will have regard to when deciding on policies and any decisions relating to licensing

7. The Council's must include mention of its policy relating to music and entertainment. This has not been altered from the previous policy.

8. Regulations and the Council's policies that have to be taken into account when preparing applications are set out in the draft licensing policy. The purpose of this is to inform applicants of those matters that the Council would expect them to address in the Operating Plan which is submitted as part of the licensing applications. However, it is stressed that each application will be decided on its individual merits. Any condition imposed should not duplicate existing statutory regimes.

9. Until recently, the persons who were entitled to make representations when a licence was applied for were either the Responsible Authorities or local residents or businesses. This was recently changed to allow members to have this right in respect of the district of the Council for which they have been elected. The policy has been amended to reflect this.

10. The Licensing legislation and guidance does not allow the Council to impose standard conditions upon licences that it grants however, the policy does refer applicants to the standard conditions in the DCMS Guidance under S182 which may assist the applicants draft their Operating Plans if they consider that such a condition should be included. If the Council considers it appropriate in future it may add to these conditions.

11. The delegations of functions are attached to the Policy.

12. There is in most areas concern about cumulative impact of significant numbers of licensed premises in an area. No change has been made to the Council's policy.

13. Each of the four licensing objectives has been addressed as required by the guidance.

**Resource Implications:**

Within existing budgets

**Legal and Governance Implications:**

Licensing Act 2003

**Safer, Cleaner and Greener Implications:**

To create safe communities in Epping Forest District

**Consultation Undertaken:**

None but a full consultation will be carried out in accordance with the Licensing Act 2003

**Background Papers:**

Licensing Act 2003, Guidance issued by the DCMS under S182 of the Licensing Act 2003

**Impact Assessments:**

None