

COUNCIL

Licensing Act 2003 – Statement of Licensing Policy 2016-21 16th December 2015

Report of the Chief Officer (Governance)

PURPOSE OF REPORT

To seek Council's approval of the statement of licensing policy under Section 5 of the Licensing Act 2003 for 2016-21

This report is public

RECOMMENDATIONS

- (1) **Council is requested to approve the draft Statement of Licensing Policy, for publication in accordance with Section 5 of the Licensing Act 2003.**

1.0 Introduction

1.1 The Council is the licensing authority under the Licensing Act 2003, which deals with the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

1.2 The Act requires that each Licensing Authority must in respect of each five year period determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the five year period. A new statement of policy must take effect in January 2016. Approval of the policy is a matter for full Council and cannot be delegated.

1.3 For the purpose of reviewing the Licensing Policy, in accordance with the requirements of the Act, the following were consulted:

- The Police
- The Fire Authority
- Representatives of existing holders of premises and personal licences
- Representatives of existing holders of club premises certificates
- Local businesses and their representatives
- Local residents and their representatives

1.4 Letters were sent to all licence holders, and all other stakeholders, requesting responses by 23rd September 2015.

Copies of the draft revised policy were placed on the Lancaster City Council website on the licensing page, as well as in the Town Halls in Morecambe and Lancaster. A press release was also issued.

2.0 Proposal Details

- 2.1 There were two responses received to the consultation, and these are at Appendix 2. It should be noted that the response from the Lancaster City Centre Residents Association in effect relates to conditions that the Association would like to see attached to licences. As a matter of law, blanket conditions cannot be adopted and cannot therefore be included in the Statement of Licensing Policy. The Licensing Manager will however contact the Association and explain the provisions that are in place if residents would like to make representations in relation to individual applications or to request a review of an existing licence.
- 2.2 The responses, together with the draft statement of policy, were considered by the Licensing Act Committee on the 3rd December 2015. The Committee requested some minor amendments to the draft at paragraphs 2.1 and 13.3, and an additional link to information about seeking a review of a premises licence, and making representations. These amendments have been made, and the revised draft Statement of Policy for approval by Council is attached at Appendix 1.

3.0 Details of Consultation

- 3.1 The statutory consultation process has been undertaken as indicated above, and the proposed draft has been considered by the Licensing Act Committee.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options open to Council are to approve the policy appended to this report as drafted, or to approve it subject to amendments. The Policy has been drafted in accordance with legal constraints and statutory guidance, and has been considered by the Licensing Act Committee. Not to approve a policy is not an option, as it is a statutory requirement that a policy be in place in January for the next five years.

5.0 Conclusion

- 5.1 Council is requested to consider the draft Statement of Licensing Policy, and to approve the publication of the new policy to take effect in January 2016, in accordance with the statutory timescales.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The prevention of crime and disorder is one of the statutory licensing objectives, and this is reflected in the draft statement of policy, as is the requirement that all cases should be considered on their individual merits.

LEGAL IMPLICATIONS

Legal Services have been consulted in the preparation of the draft statement of policy.

FINANCIAL IMPLICATIONS

The approval of the statement of licensing policy does not have any direct financial implications for the Council.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring officer, as the Chief Officer responsible for Licensing, has been consulted in the preparation of the statement of policy.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref: