

<b>Subject:</b>	Review of Statement of Licensing Policy – Licensing Act 2003	<b>Status:</b>	For Publication
<b>Report to:</b>	Corporate Scrutiny Committee	<b>Date:</b>	17 <sup>th</sup> March 2014
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	Yes	Attached: Yes
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	That the Corporate Scrutiny Committee resolves to recommend to Council the adoption of the revised Statement of Licensing Policy relating to the Licensing Act 2003 for a further five years.

## 2. PURPOSE OF REPORT

2.1 To request the Committee confirm the amendments to the Statement of Licensing Policy required under the Licensing Act 2003 and made in accordance with section 5 of the Act.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
  - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
  - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- There is a risk of non compliance with the requirements under Section 5 of the Licensing Act 2003 if the Statement of Licensing Policy is not approved.

## 5. BACKGROUND AND OPTIONS

- 5.1 Section 5 of the Licensing Act 2003 requires that the licensing authority prepare and publish a statement of licensing policy at least every five years.
- 5.2 The current statement of Licensing Policy has stood the test of time and the amendments that have been found to be necessary are relatively minor and as a result of changes in legislation and practical experience.
- 5.3 A revised Statement of Licensing Policy for a further five years commencing when full Council

approval has been received is appended at [Appendix A](#).

5.4 A summary of the proposed changes to the Statement of Licensing Policy is as follows:

- New Rossendale statistic details from the 2011 Census.
- Change of name of Office Manager to Licensing and Enforcement Unit Manager.
- Addition of new legislation, Live Music Act 2012 and the Police and Social Responsibility Act 2011.
- Clarification of Live Music Act 2012 exemptions at section 5.2.
- Removal of the words, 'in particular live music and dancing' at paragraph 5.17.
- Addition of paragraph 20.2 in relation to an application for a Late Temporary Event Notice.
- Increase of the hours a Temporary Event Notice can be in existence.
- Confirmation that the Sexual Entertainments Venues policy has now been adopted.
- Removal of the vicinity test.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **6. SECTION 151 OFFICER**

6.1 There are no specific financial implications.

##### **7. MONITORING OFFICER**

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

##### **8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 An Equality Impact Assessment has been undertaken as part of the review of this policy, which is set out in [Appendix B](#). The outcome has identified that there are no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy.

##### **9. CONSULTATION**

9.1 The consultation period is 21<sup>st</sup> October 2013 to 20<sup>th</sup> November 2013 and the consultation document is available on line, placed within all Rossendale libraries in addition to the Council Offices where requests for hard copies could be made. The draft statement of Licensing Policy has also sent to numerous bodies.

9.2 A list of the bodies consulted with is shown below:

- Lancashire Constabulary
- Crime and Disorder Reduction Partnership
- Lancashire Fire and Rescue Service
- All Rossendale and Whitworth Councillors
- Punch Taverns
- Enterprise Inns
- Chairs of Rossendale Pub Watch
- British Beer and Pub Association
- McDonalds Restaurants Ltd

The proposed policy was published and circulated for consultation between Monday 21<sup>st</sup> October 2013 and Wednesday 20<sup>th</sup> November 2013 and there were no representations made.

9.3 This report was considered by the Licensing Committee on Tuesday 11<sup>th</sup> March 2014 and any recommendations from this will be provided at the meeting.

## 10. CONCLUSION

10.1 Section 5 of the Licensing Act 2003 requires the licensing authority prepare and publish a licensing policy at least every five years. The Licensing Committee is requested to consider the report and make the appropriate determination.

### Background Papers

Document	Place of Inspection
Current Statement of Licensing Policy relating to the Licensing Act 2003.	Licensing and Enforcement Unit

### Appendices

Document	Appendix Number
Revised Statement of Licensing Policy	<i>Appendix A</i>
Equality Impact Assessment	<i>Appendix B</i>