

Meeting	Licensing Committee
Date	13 November 2013
Subject	Review of the Licensing Policy
Report of	Director for Place
Summary of Report	The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 5 years. This report seeks approval from the Committee to engage in consultation on the draft Licensing Policy

Officer Contributors	Michelle Rudland, Senior Licensing Officer Emma Phasey, Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	Not applicable
Key Decision	Not applicable
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix 1 – Proposed Licensing Policy Appendix 2 – Summary of changes
Contact for Further Information:	Michelle Rudland, Senior Licensing Officer

1. RECOMMENDATION

- 1.1 **That the information in this report be considered in conjunction with the information that is contained in the full report that is to follow.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Council, 14th December 2010 (Decision item 5.2.1) – adoption of the current Licensing policy in accordance with the Licensing Act 2003.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The objectives of the policy as determined by the Licensing Act 2003 are the prevention of crime and disorder, public nuisance, protecting children from harm and public safety. These contribute to the corporate priority of Barnet being ‘An attractive and successful London borough where people want to live’ and meet the strategic objective to “improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study” thereby helping ensure that the Borough maintains the right environment for a strong and diverse local economy
- 3.2 The policy supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to review and adopt a licensing policy would be a breach of the Licensing Act 2003 and would mean the Council, as the licensing authority, would be unable to perform any of its licensing functions.
- 4.2 The adoption of an unsound policy may result in poor licensing decisions being taken and could cause difficulty to businesses, residents and responsible authorities and could adversely affect the Council’s reputation. Poor licensing decisions could leave the policy open to challenge by way of Judicial Review in relation to the Statement of Licensing Policy and/or appeal of a Licensing Committee decision to the Magistrates’ Court.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 When considering licensing applications and representations only issues provided for in the Licensing Act 2003 and associated guidance in addition to the authorities Statement of Licensing Policy will be taken into account. This will ensure a consistent approach is adopted. Every application under the terms of the policy will be considered on its own merits regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.
- 5.2 The community in the Borough is diverse and rich with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act. Guidance issued and conditions will only be imposed

that are reasonable, proportionate and strictly necessary for the promotion of the four licensing objectives.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Administration and enforcement of the Licensing Act will be carried out by the Licensing Team. Legal and Governance Services are also involved in the arranging and co-ordinating arrangements for hearings where there are objections. The activities as part of the policy will be met from existing budgets.

7. LEGAL ISSUES

- 7.1 Failure to review and adopt a licensing policy would be a breach of the Licensing Act 2003 and would mean the Council, as the licensing authority, would be unable to perform any of its licensing functions.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's constitution delegates to the Licensing Committee:

“All functions under the Licensing Act 2003 and associated Regulations, not otherwise delegated to the Licensing Sub-Committee.”

(Part 3 “ Responsibility for Functions” Section 2 “Responsibility for Council Functions”).

- 8.2 The statutory and regulatory provisions reserve to full Council the decision to approve the draft licensing policy, and it will therefore be necessary for the Committee to approve the licensing policy as amended at the end of the consultation period and make a recommendation to the next Council meeting.

9. BACKGROUND INFORMATION

- 9.1 The Licensing Act 2003 makes the Council the licensing authority for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants in the Borough.

- 9.2 There are currently approximately 1000 licensed premises in the Borough.

- 9.3 In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to apply when exercising relevant functions. In exercising its functions, licensing authorities must have regard to the statutory guidance issued by the Home Office. The latest version of this guidance was published in June 2013.

- 9.4 If approved by the Committee, the draft policy will be submitted for consultation with all relevant stakeholders during the next 12 weeks, in

accordance with best practice. The consultation will finish on the 12th of February 2014. All replies will be taken into account and the policy, revised as necessary, will be submitted to this Committee for final approval at the next appropriate meeting. The Committee will then be asked to recommend that the Policy be adopted at a meeting of the full Council in April 2014.

- 9.5 The consultation document will be sent to the police, the fire authority, persons/bodies representative of local holders of premises licences, persons/bodies representative of local holders of club premises certificates and persons/bodies representative of local holders of personal licences. It will also be sent to all Councillors, all responsible authorities, and certain organisations working with problem drinking.
- 9.6 The consultation document will be as far as possible emailed to the relevant consultees or a hard copy sent where this is not appropriate. All of the consultation documents will also be published on our website.
- 9.7 The policy may be changed at any time after adoption (after further consultation), and must be renewed at intervals of not less than five years
- 9.8 The proposed draft policy for agreement prior to formal consultation can be found in Appendix 1. A matrix of the main changes to the policy can be found at Appendix 2.

10. LIST OF BACKGROUND PAPERS

- 10.1 Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- 10.2 10.3 Any person wishing to inspect the background papers listed above should telephone Michelle Rudland on 020 8359 7452.

Cleared by Finance (Officer's initials)	JH
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