



LICENSING COMMITTEE

13 May 2015

Subject Heading:

Approval to consult on the draft of Havering's new Statement of Licensing Policy for the Licensing Act 2003

CMT Lead:

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Policy context:

Review of the current Licensing Policy having regard to the changes in legislation and the Licensing Strategy.

Financial summary:

Cost of consultation will be met from existing resources.

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report seeks authorisation of the Licensing Committee to commence a consultation process on the draft Statement of Licensing Policy. The consultation will run from the 1st June 2015 to 31st August 2015.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and agrees that the draft Statement of Licensing Policy set out in Annexe A be subject to public consultation.

REPORT DETAIL

1.0 Section 5 of the Licensing Act 2003 (hereafter termed 'the Act') requires all Licensing Authorities prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The current policy expires on the 7th January 2016.

2.0 The current Statement of Licensing Policy has been reviewed and rewritten to include good practice, current guidance, experience from implementing the Act, input from a joint topic group of Councillors from Licensing Committee and Towns and Communities Overview and Scrutiny Committee and the Havering Licensing Strategy 2014.

3.0 In exercising their functions under the Licensing Act 2003, Licensing Authorities must have regard to the four licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

4.0 The Council must consult on the draft policy before the final version is approved by full Council. Section 5 of the Act 2005 sets out the statutory consultees. It is proposed that the consultation be aimed at a wider audience including not only all responsible authorities and current licensees and their representative bodies but also members of the public who may comment through local libraries and the internet. It is proposed that there be a 3 month consultation period starting on the 1st June 2015 and finishing on the 31st August 2015.

5.0 Further, the Council can only publish its Statement of Licensing Policy if it has paid due regard to guidance issued by the Government. The current S182 Guidance to Local Authorities on the Licensing Act 2003 published by the Home Office was fully considered in the drafting of the Statement of Licensing Policy.

IMPLICATIONS AND RISKS

Financial implications and risks:

The reviewed policy is expected to be delivered within existing resources. The policy is more prescriptive than the current one, in terms of what is required from applicants (reflecting up-dated legislation); it is hoped that more issues can be resolved at officer level, and will not need to go to committee. The policy is more

restrictive, so there may be more applications going to appeal; that said, the proposed policy is clearer and more robust, so should lead to less successful appeals. Once an up-dated policy is in place, there may be merit in considering offering pre application advice for a fee.

Legal implications and risks:

The Council is required by the provisions of section 5 of the Licensing Act 2003 and the Guidance issued under section 182 of the Act to have a five year Licensing Policy and to review this from time to time. The recommendation is that the draft statement of Licensing Policy is subject to a statutory consultation process and the final Policy is determined following the consultation so that the Council can implement it before the current policy expires. Provided the consultation engages with all of the statutory consultees and is meaningful (in that the Council does not make a final decision until it has received the results of the consultation and each of the consultees are given sufficient information and time to respond) and there are no delays, there are minimal legal risks with this decision.

Human Resources implications and risks:

There are no direct human resources implications to this report.

Equalities implications and risks:

The review of Havering’s Statement of Licensing Policy is a statutory requirement of the Licensing Act 2003. The statement incorporates a range of issues that has equalities implications and risks. These include:

- Prevention of crime and disorder, include sexual and domestic violence
- Public safety
- Protection of children from harm

An Equality Impact Assessment (EIA) will be carried out and incorporate all equality related issues identified in the policy, as well as any issues that are raised in the consultation during the period of consultation and The EIA will be published with the final version of the Statement of Licensing Policy to ensure members are fully aware of and able to consider all equality implications and pay due regard to the Public Sector Equality Duty.

The Council should follow statutory consultation processes. In addition to this, the Council should comply, when relevant with the Council’s Public Consultation Policy. This will ensure that the consultation process is inclusive and encourages all those who are affected by the policy to take part in the consultation.

BACKGROUND PAPERS

Annex A Statement of Licensing Policy