



LICENSING COMMITTEE

10 November 2015

Subject Heading:

Approval of Havering's Statement of Licensing Policy for the Licensing Act 2003

CMT Lead:

Andrew Blake Herbert

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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:

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

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| 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 approval of the Licensing Committee for the Statement of Licensing Policy under the Licensing Act 2003.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and recommends that the Statement of Licensing Policy as set out in Annexe A be approved and adopted by Full Council.

REPORT DETAIL

1.0 Section 5 of the Licensing Act 2003 (hereafter termed 'the Act') requires all Licensing Authorities to 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 Statement of Licensing Policy has been reviewed and revised to include good practice, current guidance, experience from implementing the Act, input from a joint topic group of Councillors from the Licensing Committee and Towns and Communities Overview and Scrutiny Committee, the Havering Licensing Strategy 2014 and responses received from the public consultation..

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 has undertaken statutory consultation between 1st June 2015 to 31st August 2015. The consultation was mainly by internet. All of the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters email (over 2,700 recipients) , Business briefing e mail (over 6000 recipients), a press release in the Romford Recorder , the Havering website and to all local GP's surgeries.

5.0 The consultation responses have been considered and a final draft version of the policy has been produced. Consideration of the consultation responses is set out in Annex B.

6.0 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 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 policy will be delivered within existing resources

Legal implications and risks:

The Council is required by section 5 of the Licensing Act 2003 to have an adopted Statement of Licensing Policy for each 5 year period and to review the policy from time to time.

The Statement of Licensing Policy must be reviewed every 5 years and the Council must undertake statutory consultation as required by section 5 of the 2003 Act. The consultation must include the prescribed individuals and organisations and anyone else that the Council considers to be representative of businesses and residents in its area. Government Guidance recommends a wide ranging consultation in addition to the statutory consultees.

The Statement of Licensing Policy must set out the how authority will give effect to the 4 licensing objectives of the 2003 Act and must have regard to the Statutory Guidance published under section 182 of the Act.

A failure to comply with the statutory procedures, and the adopted Statement of Licensing Policy, will be at risk of challenge by Judicial Review.

The Statement of Licensing Policy is a Council function and may only be approved and adopted by Full Council.

Human Resources implications and risks:

There are no direct human resources implications to this report.

Equalities implications and risks:

There are no negative impacts against any protected characteristics by the implementation of this policy. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

BACKGROUND PAPERS

Annex A Statement of Licensing Policy
Annexe B Consultation response
Annexe C EIA