

REVIEW - STATEMENT OF LICENSING POLICY

REPORT OF: Tom Clark – Head of Regulatory Services
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Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
10th July 2019

Purpose of Report

1. To seek the Committee's views on the content of the Draft Review Statement of Licensing Policy 2020 (Appendix 1) before it goes out to public consultation in July 2019. It is proposed that following consultation, if there are significant amendments required, it would be reviewed by this Committee on the 13th November 2019 before it is formally adopted by Council on the 11th December 2019.

Summary

2. The Statement of Licensing Policy 2020 has been produced in accordance with the provisions of Section 5 of the Licensing Act 2003 and the Guidance issued under Section 182 of the Act. It will be reviewed and republished, following consultation, every five years or as appropriate.

Recommendations

3. **The Committee are recommended to:**

Endorse the Draft policy of Licensing at Appendix 1 before it is issued for public consultation.

Background

4. Section 5 of the Licensing Act 2003 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every five years or as appropriate.
5. The purpose of the Policy is:
 - to provide guidance for Officers and Elected Members in their administration and adjudication of licence applications.
 - to inform the communities and applicants about the procedures the Licensing Authority will follow and the factors that it can legitimately take into account when reaching their decisions.
 - advise that the Policy may address issues relating to noise and anti-social behaviour but only where the problems take place in or on the premises, and not those problems that are taking place in the surrounding area. Other agencies including the Environmental Protection Team and Police, with whom we work closely, have the powers to deal with these issues.

6. The existing Policy was adopted in December 2015, although there was a minor amendment in July 2018 relating to revocation of personal alcohol licences.
7. In accordance with the Licensing Act 2003 and the Section 182 Guidance, the draft Policy contained in Appendix 1 will be published for a 6 week consultation period starting on the 17th July 2019. The list of consultees include the following;
 - Elected Members
 - Town and Parish Councils,
 - Sussex Police,
 - West Sussex Fire and Rescue Service,
 - West Sussex County Council
 - British Transport Police
 - Hospital Trusts

As well as the trade bodies representing premises licence holders, local businesses and Residents Associations, together with local bus and train operators.

8. The attached revised Policy has been reviewed in light of amendments to the Licensing 2003 Act and statutory guidance. The main changes are as follows:
 - At paragraph 13.6 it reiterates the Council's expectation that the Designated Premises Supervisor (DPS) has a day to day supervisory role and is preferably a manager at the site. This avoids issues with vacant DPS that are not readily available to deal with licensing matters at the premises.
 - At paragraph 14.9 we have clarified further the legal requirements to advertise new and variation applications for premises and club licences. It states that advertising for new and variation applications for premises and club licences must be in one of two local newspapers. Circulars, local leaflets or similar will not be accepted.

Policy Context

9. Licensing Authorities are required to review their Licensing Policy every five years. In accordance with Section 5(3) Licensing Act 2003, consultation will be carried out with all relevant parties.

Financial Implications

10. None

Risk Management Implications

11. In accordance with the Council's risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. It is suggested that the main risk is that if the Council fails to revise the Licensing Policy it may be open to legal challenge.

Equality and Customer Service Implications

12. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Background Papers

Appendix 1 – Draft Statement of Licensing Policy