



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	LA03 Statement of Licensing Policy.
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AGENDA STATUS: PRIVATE

Committee Meeting Date:	15 th September 2015
Policy Document:	Statement of Licensing Policy
Directorate:	Customers and Communities

1. Purpose

To allow the committee to consider the proposed Statement of Licensing Policy (SOLP) and approve it for the purpose of consultation

2. Recommendations

That the Committee approve that the draft Statement of Licensing Policy be subject of a full consultation, reporting back to this Committee in December or early January 2016 with the intention to recommend the adoption of it by the Full Council on 25th January 2016.

3. Issues and Choices

3.1 Report Background

3.1.1. In accordance with Section 5 Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy was adopted in January 2011 and requires fresh adoption prior to February 2016. This report seeks approval of the statement to be submitted for consultation prior to consideration of adoption of the Statement of Licensing Policy.

3.1.1 There have been a number of changes in legislation in relation to Licensing and they have been incorporated into this policy document.

3.1.2 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under

Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities throughout the County. The draft Statement of Licensing Policy is at Appendix 1

- 3.1.3 The Licensing Authority can review this policy as required should evidence demonstrate it is needed.

Issues

- 3.2.1. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years would be unlawful
- 3.2.2 The Authority must consult fully with a wide range of stakeholders for a period of 12 weeks.
- 3.2.3 If the Committee approve the consultation today it will commence tomorrow which will mean it will end on the 9th December 2015.
- 3.2.4 An extra meeting of this Committee will need to be arranged for policy approval following consultation feedback as there is no meeting scheduled for this Committee between the 1st December 2015 and the 2nd February 2016, by which time Full Council will have met.

3.3 Choices (Options)

- 3.3.1. In arriving at a decision the committee have the following choices:-
- 3.3.2 To request amendments to the Policy prior to consultation
- 3.3.3 To approve the document for consultation

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This policy document must be reviewed as required by Section 5 Licensing Act 2003.

4.2 Resources and Risk (Financial)

- 4.2.1. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years would be unlawful under the terms of Section 5 Licensing Act 2003

4.3 Legal

The Statement of Licensing Policy sets out how the Council intends to meet the Licensing Objectives of:

- 1) Prevention of Crime and Disorder
- 2) Public Safety
- 3) Prevention of Public Nuisance
- 4) Protection of Children from Harm

A policy is mandatory under Section 5 Licensing Act 2003 and is aimed at ensuring a consistent approach when the Council makes licensing related decisions, which must promote the four licensing objectives.

The Secretary of State has issued guidance under Section 182 Licensing Act 2003 which includes a section on what should be contained in the policy and the Council should “have regard” to that guidance in determining its policy

The Council will be required to ensure that any policy is within the bounds of judicial scrutiny and hence must not be irrational or unreasonable.

4.4. Equality

4.4.1. The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

4.5. Consultees (Internal and External)

4.1. Legal

4.6. Background Papers

4.6.1. Section 182 Guidance LA03
Northampton SOLP 2011 - 15

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