

Sandwell Metropolitan Borough Council

Report to the Licensing Committee

31 January 2014

The Licensing Act 2003 – Review of Statement of Licensing Policy

1. **Summary Statement**

- 1.1 Section 5 of the Licensing Act 2003 (the Act) requires the Council as the Licensing Authority to prepare and publish its own Statement of Licensing Policy as to how it intends to carry out its licensing functions under the Act.
- 1.2 The Council's current Statement of Licensing Policy was approved by full Council in November 2010 and became effective from 7 January 2011.
- 1.3 The Act requires the Council, in respect of each five year period, to determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy before the beginning of the period.
- 1.4 The next five year period is not due to begin until January 2016 but there have been a number of legislative changes to the licensing process so it is considered more appropriate to review the policy now.
- 1.5 The Licensing Committee, at its meeting on 6 September, approved the draft Policy Statement set out in Appendix 1 to this report and agreed to undertake a formal consultation exercise from September to November 2013.
- 1.6 The Act specifically requires, as part of the consultation process, for the Licensing Authority to consult the following :
 - a) the chief officer of police;
 - b) the fire and rescue authority for the area;
 - c) representatives of persons holding premises licences, personal licences or club premises certificates;
 - d) representatives of businesses and residents.

- 1.7 The consultation process began in September 2013 and invited comments on the proposed policy from a wide variety of sources. A full list of those consulted is shown at the end of the Policy Statement in Appendix A.
- 1.8 The only comments received as part of the consultation process were from the Town Service Improvement Boards for Tipton, Wednesbury, Rowley Regis and Oldbury and are attached at Appendix 2.
- 1.9 Subject to any amendments by the Licensing Committee a further report will be submitted to the full Council meeting in March for final approval.
- 1.10 An equality impact assessment is not required as the proposal relates to the review of a policy.

2 Recommendation

- 2.1 That, subject to any amendments by the Committee, the proposed Statement of Licensing Policy, as set out in Appendix 1, be recommended to the Council for approval.

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3. Strategic Resource Implications

There are no direct strategic resource implications associated with the review, approval and adoption of the "Statement of Licensing Policy" itself.

4. Legal and Statutory Implications

- 4.1 Under Section 5 of the Licensing Act 2003, the Council as the Licensing Authority must in respect of each five year period determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy before the beginning of the period.

- 4.2 The current statutory five year period began on 7 January 2011. The next five period is not due to begin until January 2016.
- 4.3 Before determining its policy, the Council must consult:-
- (a) the chief officer of police
 - (b) the fire authority
 - (c) such persons as the Council considers to be representative of holders of premises licences
 - (d) such persons as the Council considers to be representative of holders of club premises certificates
 - (e) such persons as the Council considers to be representative of holders of personal licences
 - (f) such other persons as the Council considers to be representative of businesses and residents in its area.
- 4.4 During each five year period, the Council must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 4.5 Where revisions are made, the Council must publish a statement of the revisions or the revised Licensing Statement.

5. Implications for the Council's Scorecard Priorities

- 5.1 The licensing objectives that must be promoted by the Council as Licensing Authority are:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

6. Background Details

- 6.1 On 24 November 2005, the Licensing Act 2003 came into effect. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshment, administered by the local Licensing Authorities.

- 6.2 Section 5 of the Act required each Authority to prepare and publish a statement of its licensing policy, setting out how the authority intended to approach its new licensing responsibilities, every five years. Each authority is also required to keep the policy under review during the five year period and make any revisions it considers appropriate.
- 6.3 The current Statement of Licensing Policy has been drafted following a public consultation exercise, and with specific reference to Guidance published by the Home Office.

Source Documents

Licensing Act 2003.

Home Office Guidance issued under section 182 of the Licensing Act 2003

Comments as result of the consultation.