

Licensing Policy Review 2015

SUMMARY

- 1.1 Derby City Council is the designated Licensing Authority under the Licensing Act 2003 and is required to produce a Licensing Act Policy which sets out how it will exercise its functions under the Act.
- 1.2 The policy must be review at least every five years.
- 1.3 The next revised document is due to be published by the 7 February 2016.

RECOMMENDATION

- 2.1 To approve the process of consultation on a revised Licensing Policy.

REASONS FOR RECOMMENDATION

- 3.1 To comply with the statutory requirements of the Licensing Act 2003.

SUPPORTING INFORMATION

- 4.1 Under the Licensing Act 2003, the licensing authority is required to promote the four licensing objectives:
 - Prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 Derby City Council is the designated Licensing Authority under the Licensing Act 2003 and is required to revise and publish their Licensing Policy, which they apply when exercising their functions under the Act at least once every five years.

- 4.3 The aim of the policy is to:
- Secure the safety and the amenity of our communities
 - Help to promote safe and sustainable licensed trade that contribute to the economy and vibrancy of the City
 - Reflect the needs of the City's community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and other cultural experiences for the wider benefit of the community
- 4.4 The current Licensing Policy was published in January 2011. Before the revised document can be re-published, it must be subject to a full consultation process.
- 4.5 The authority is required to consult with a number of consultees, including;
- Derbyshire Constabulary
 - Derbyshire Fire & Rescue Service
 - Existing Licence holders and their representatives
 - Existing holders of club premises certificates and their representatives
 - Representatives of businesses and residents in the city
 - Other relevant bodies i.e. those involved with the reduction of crime, disorder, anti-social behaviour, consumer protection, planning and development, tourism, child protection, transport, alcohol harm reduction, local performers etc.
- 4.6 A Consultation Plan is set out at Appendix 3 for consideration and approval. It sets out a brief overview of the procedure and timetable for the review of the policy and follows the procedures previously adopted at the last review. This includes the formulation of a cross party working group to consider comments received during the consultation period if considered necessary.
- 4.7 The consultation exercise is due to commence on 1 June 2015 and end at 4.00pm on 28 August 2015.
- 4.8 Any comments made during the consultation process will need to be considered. If necessary, it is proposed that across party working group consider any comments received during September 2015 and make recommendations to the General Licensing Committee in October (date to be confirmed) to agree a final policy.
- 4.9 A revised policy will be published in December 2015.

OTHER OPTIONS CONSIDERED

5.1 Not applicable.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu n/a n/a n/a n/a Michael Kay
For more information contact: Background papers: List of Appendices:	Sandra Mansell, Tel. 01332 641940, e-mail sandra.mansell@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Licensing Policy Review 2015 Appendix 3 – Licensing Policy Consultation Plan

IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising from this report.

Legal

- 2.1 As set out in the report.

Personnel

- 3.1 None directly arising from this report.

IT

- 4.1 None directly arising from this report.

Equalities Impact

- 5.1 None directly arising from this report.

Health and Safety

- 6.1 None directly arising from this report.

Environmental Sustainability

- 7.1 None directly arising from this report.

Property and Asset Management

- 8.1 None directly arising from this report.

Risk Management

- 9.1 None directly arising from this report.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will **deliver better outcomes for our communities, more efficient and effective services and improved value for money for our customers.**

LICENSING ACT 2003

LICENSING POLICY REVIEW 2015

1. Summary

Derby City Council ('the Council') has a duty to ensure that the people living and working in Derby, and those who will be effected by the enforcement and implementation of the Licensing Policy under the Licensing Act 2003 are consulted as part of the review procedure. These stakeholder groups are encouraged to provide any comments to Environmental Health and Regulatory Services, who will consider all comments received to ensure the document represents the issues important to all groups.

The Council is responsible for processing, issuing and enforcing premises and personal licences.

The Council is also responsible for producing, publishing and regularly reviewing its Licensing Policy. The policy outlines how the Council deals with applications, and enforces the legislation, and how the Council's decision making process take into account the four licensing objectives stipulated in the Act.

The consultation period of 12 weeks allows the stakeholders to receive information on the proposed practices and procedures, and discuss how it will affect them. The consultation procedure is controlled by both time & financial restraints and also the need to comply with the Councils structure of meetings.

2. Introduction

The policy sets out how the Council will achieve its responsibilities under the Licensing Act 2003. It is used as guidance for applicants applying for a licence, and by the Council when considering applications for licences. The aim of the policy is to provide a consistent decision making process and ensure that the licensing objectives set out under the Act are achieved.

Applications could be received from any person or commercial enterprise associated with alcohol, entertainment and late night refreshment

Before the policy is approved by Council it must go through a process of consultation with key enforcement groups, partnerships and groups that may be effected by the document.

The consultation period is for 12 weeks. The final copy of the policy must be published before 7 February 2016.

This consultation strategy will demonstrate how the Council will achieve effective consultation with these people/groups, within the time scales and resources available

3. Aims

The Council aims to:

- ensure effective and efficient consultation with those groups who will be involved in the implementation and enforcement of the Licensing Act 2003, those who hold, or may wish to apply for licences and also those who will be effected by the Councils application and decision making process.
- use the responses received from the consultation process to develop the policy into an effective document which represents the needs of those groups affected by the licensing regime.

4. Objectives

In order to achieve these aims the Council will:

- achieve and complete the consultation process within the given timescale to ensure that the new revised policy is a working document by 7 February 2016.
- ensure that the consultation process is effective whilst working within restrictions of cost and time.
- ensure the comments received by all the key stakeholders of the Council and the policy are collated, fully considered and are used to ensure that the final document represents their views, whilst still ensuring that the document complies with the requirements of the Act and the guidance.

5. Planning

When planning the consultation process, advice was sought from the Council's Consultation Strategy Officer, who provided advice on the best means of consultation and also the groups of people accessible to the Council to allow consultation with a good representation of the Council's stakeholders.

The Government has not allocated any additional funds to assist the Council in reviewing the policy. There is therefore no money provided for the consultation process. The costs are to be met from existing budgets. To keep this to a minimum printing materials etc. are to be produced in-house.

The consultation period will end on 28 August 2015. This will allow the comments to be collated, processed, and if required, considered by a cross-party working group of General Licensing Committee members. The revised policy will be presented for approval at the Council's General Licensing Committee around October 2015.

6. Identification of Stakeholders

Government guidance requires that the Council consults with the following people/groups:

- Chief Officer of the Police
- Fire Authority
- Planning Authority
- Regulatory bodies who have functions in relation to nuisance
- Derby Safeguarding Children Board
- Existing licence or permit holders
- Bodies representing licence or permit holders
- Businesses or residents in its area, or
- Bodies representing business and residents in its area.

To achieve consultation with the groups specified in government guidance the following additional stakeholder groups have been identified:

- Derby Legal Services
- Locally Elected Members
- Tourism and Culture
- Partnership agencies
- Members of the public
- Neighbourhood Boards
- National Trade Associations
- Current licence holders in Derby
- Related business groups

7. Design and Format.

7.1 Presentation.

The policy and associated documents will be available on the consultation website and available in hard copy if required in order to keep the costs to a minimum.

7.2 Consultation Format

To enable the consultation process to encourage responses and also to allow the comments received to be easily collated the following format will be used:

- The questionnaire is intended to direct comments to suggest areas of addition and improvement. The context of many areas already incorporated into the policy will not be able to be changed due to the need to comply with the guidance issued by the Central Government. It is hoped that the questionnaire will also allow the comments to be easily managed and included in the revised version of the policy.

The questionnaire will allow the person to request a copy of the final document if they wish.

8. Consultation Methods

The consultation method will be agreed with the corporate Consultation Team.

9. Collection and Review of Response from Consultation Process

Once the consultation process begins the policy will not be altered until all comments have been received and collated. This should prevent any possible confusion. The comments will be collated at the end of September 2015. After that time all comments will be considered, and common areas identified. All comments will be considered with its relevance to ensuring adherence to the guidance.

Dependent on the number and the type of comments received the General Licensing Committee may wish to utilise a cross-party working group, together with officers to review the comments. A cross-party working party has been used in previous consultation exercises to good effect. The revised licensing policy will be presented to the General Licensing Committee around October 2015 for consideration and approval. The revised policy will be published as required by the legislation by 7 February 2016.

10. Continuing the Consultation Process.

The legislation requires the Council to consult with its stakeholders on a 5 yearly cycle.

11. Matters for Consideration

11.1 Time

The revised Licensing Policy must be approved and published before 7 February 2016. A plan of the proposed consultation timescales are attached in Appendix 3.

11.2 Financial implications

No funding is being provided by Government to cover the costs incurred in reviewing the Licensing Policy. Costs should be covered out of the existing budgets that are obtained from the existing licence fees.

11.3 Legal implications

The Licensing Act 2003 places a legal duty on the Council to review and publish its policy every five years. The policy should demonstrate how the Council will comply with and enforce the licensing regime. The policy will also be used to support decisions made by the Council relating to licence applications.

12. Conclusion

The policy is aimed to ensure that consultation is effective, without being excessive in relation to both cost and time.

APPENDIX 3

LICENSING POLICY CONSULTATION PLAN 2015

The policy must be reviewed every five years in accordance with the Licensing Act 2003.

The timescale for consultation is:

- | | |
|-----------------------------------|--|
| 1 June 2015 to 28 August 2015 | - Policy out for consultation |
| September 2015 | - Collate feedback and comments from the consultation process and consideration by the cross-party working group |
| October 2015 (TBC once date set). | - Consultation comments and cross-party working group recommendations back to General Licensing Committee to agree final policy. |
| December 2015 | - Publish revised Licensing Policy |