

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting	3 June 2019

REVIEW OF LICENSING POLICIES

1.0 Purpose of the report:

- 1.1 To make the Committee aware of the reasons for reviewing the Statement of Licensing Policy.
- 1.2 To seek the Committee's views on reviewing the existing Hackney Carriage and Private Hire Policy, the Scrap Metal Policy and the Sex Establishment Policy.

To update members on the status of other licensing policies.

2.0 Recommendation(s):

- 2.1 To note the procedure for reviewing the Statement of Licensing Policy as outlined in paragraphs 5.1, 5.2, 5.3 and 5.4 of this report.
- 2.2 To request the Trading Standards and Licensing Manager to begin an exercise to review the Hackney Carriage and Private Hire Policy attached at Appendix 4a and bring a report back to the Licensing Committee.
- 2.3 To request the Trading Standards and Licensing Manager to begin an exercise to review the Scrap Metal Policy attached at Appendix 4b and bring a report back to the Licensing Committee.
- 2.4 To request the Trading Standards and Licensing Manager to begin an exercise to review the Sex Establishment Policy.

3.0 Reasons for recommendation(s):

- 3.1 A review of the Statement of Licensing Policy under the Licensing Act 2003 is required by legislation

Council Officers are of the opinion that the Hackney Carriage and Private Hire Policy should be reviewed as the last full review took place in 2016. This equal applies to

the Scrap Metal Policy and the Sex Establishment Policy.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

The Council is required by legislation to review and refresh the Statement of Licensing policy. The Licensing Committee could decide not to review the Hackney Carriage and Private Hire policy, the Scrap Metal Policy and the Sex Establishment Policy.

4.0 Council Priority:

4.1 The relevant Council priority is: "Creating stronger communities and increasing resilience".

5.0 Background Information

5.1 Licensing Act 2003

Under section 5 Licensing Act (the Act), the Council, as licensing authority is required determine its policy with respect to the exercise of its licensing function and publish a statement of that policy. This policy must be reviewed every five years. The Council's existing policy only has effect until 31 December 2019. To ensure that a revised policy is in place for 1 January 2020, the Committee must start the process of reviewing and consulting on a policy.

5.2 The process for agreeing a revised statement of policy is as follows:

1. A policy will be drafted taking into consideration the advice given to local authorities by the Secretary of State.
2. This document will be brought to the Licensing Committee for approval to consult.
3. Formal consultation will take place (a period of 2-12 weeks depending on the nature of the changes made).
4. The original draft will be reconsidered taking into account any representations received.
5. A proposed policy will be prepared and brought before the Licensing Committee for consideration before it is placed before the Council for approval.

- 5.3 The current policy contains two saturation areas – a defined area of the town centre in respect of premises licensed to sell alcohol on the premises and premises providing late night refreshment and an off-licence policy covering Talbot, Claremont, Bloomfield and Victoria Wards. The Trading Standards and Licensing Manager is working with the Police Licensing Team to review these areas with a view to creating cumulative impact assessments for the new revised policy.
- 5.4 Saturation Policies in their current form were created by the Guidance issued by the Secretary of State under Section 182 of the Act. The Policing and Crime Act 2017, which inserted a new Section 5A into the Licensing Act 2003, has now put this concept on a statutory footing.
- 5.5 **Hackney Carriage and Private Hire Policy**
Unlike the Statement of Licensing Policy, the Hackney Carriage and Private Hire Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council’s approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.
- 5.6 The current policy which is attached at Appendix 4a has been in existence since 2016 and it is suggested that it is an appropriate time to conduct a full review of this policy to ensure that it remains fit for purpose.
- 5.7 **Scrap Metal Policy**
This policy which is attached at Appendix 4b was approved in February 2014. Although this is not a statutory policy and therefore no expiry dates on this policy, it is suggested that this policy should be reviewed as it has been in force for five years.
- 5.8 **Sex Establishment Policy**
This policy which is attached at Appendix 4c was last reviewed in 2016. Whilst the policy only covers a small number of establishments the standard conditions for lap dancing premises would benefit from review to ensure that the conditions adequately cover emerging issues such as the taking of payment by card.
- 5.9 **Other Licensing Policies - Statement of Policy and Principles under the Gambling Act 2005**

This policy was reviewed in 2018 and came into force in January 2019. This is a statutory policy, which will remain in force for three years.
- 5.10 Does the information submitted include any exempt information? No
- 5.11 **List of Appendices:**
Appendix 4a: Hackney Carriage and Private Hire Policy

Appendix 4b: Scrap Metal Policy
Appendix 4c: Sex Establishment Policy

6.0 Legal considerations:

6.1 The Council is under a duty to revise and publish the statement of licensing policy before it takes effect on 1 January 2020.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 There are no equalities considerations

9.0 Financial considerations:

9.1 None at this stage. The costs of consulting with interested parties will be met from the licensing budget.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 The Council has a value of being accountable and the revision of these policies will ensure the Council's policies are up to date and effective, following consultation with stakeholders, improving the accountability in how the Council delivers these services.

12.0 Internal/ External Consultation undertaken:

12.1 Full consultation will take place internally and externally when the draft policies are approved for consultation.

13.0 Background papers:

13.1 None.