

LICENSING COMMITTEE

DATE 20 JUNE 2019

REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

REVIEW OF STATEMENT OF LICENSING POLICY 2020-2024

EXEMPTIONS

None.

RECOMMENDATIONS

The Committee note the forthcoming public consultation on a revised Licensing Policy and that the Committee will be asked later in the year to consider the results of that consultation and give their comments and recommendations to Cabinet and Full Council for approval by 31 December 2019.

PURPOSE

The purpose of this report is to advise Members of the intention to undertake a public consultation leading to the production of a revised version of the policy statement to be recommended for adoption by Council.

EXECUTIVE SUMMARY

The current Statement of Licensing Policy expires in December 2019. In order for the Council to fulfil its statutory obligations under the Act, it is necessary to adopt a new policy before that date. In reviewing the Statement of Licensing Policy the Council should widely consult on its content and give due consideration to any comments received as part of the consultation process. A further report will be presented to Licensing Committee on completion of the consultation exercise. The proposed timetable is as follows:

Action	Date
Consultation & Liaison	June/July – September/October 2019
Licensing Committee	October 2019
Cabinet to make a recommendation to full Council	November 2019
Council for adoption	December 2019

BACKGROUND

The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. Tamworth Borough Council adopted the current Statement of Licensing Policy on 16 December 2014. It must be revised, adopted and published by 1 January 2020.

The Statement of Licensing Policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position concerning the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its functions under the Act. As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.

Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of local residents through a failure to promote the licensing objectives effectively.

The Policy seeks to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

In accordance with the Government's Code of Practice on Consultation, 12 weeks will be allocated for the consultation and for the return of responses. It is proposed that between 21 June 2019 and 30 September 2019, the current Statement of Licensing Policy will be subject to broad 12-week public consultation. In addition to the statutory consultees, many other individuals, agencies and organisations considered to be affected by the policy have been identified and their comments will be invited.

Since the last review of the Licencing Policy Government legislation has changed and now requires a Cummulative Impact Aessment to be carried out to support any Cummulative Impact Zone. Discussions have taken place with the Police who are supportive of retaining the zone and officers are now finalising the Assessment which will be detailed in the Policy document. At the time of writing this report the revised licensing policy is being finalised and will be sent as a late item before the Committee meeting along with a summary of the changes, the Cumulative Impact Policy and a report from Staffordshire Police.

The policy revision will also appear on the Council's website, where e-mail responses will be invited. The new policy will look to adopt good practice and seek greater involvement from responsible authorities and the public.

FINANCIAL IMPLICATIONS

The costs of consultation and publication of the revised policy will be met from existing budgets.

LEGAL/RISK IMPLICATIONS

The Licensing Authority is required under the Licensing Act 2003 to prepare and publish a statement of its licensing policy every five years. The consultation, policy development and reporting process may require support from Tamworth Borough Council Legal Services.

EQUALITY AND DIVERSITY

An Equality Impact Assessment screening will be carried out during the policy review and take into consideration the results of consultation and any proposed changes to policy prior to adoption.

SUSTAINABILITY

Tamworth Borough Council's licensing policy forms a central part in the support, control and regulation of the economy; in particular evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with the appropriate use of the review process can significantly contribute towards crime reduction and enhance Tamworth's reputation as a place to live and visit.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting, please contact Matthew Bowers, 01827 709276"

APPENDICES

1. Draft Revised Tamworth Borough Council Statement of Licensing Policy 2020-2025.
2. List of amendments 2020-2025.
3. Cumulative Impact Policy.
4. Staffordshire Police response

LIST OF BACKGROUND PAPERS

1. Licensing Act 2003.
2. Revised Guidance under s182 of the Licensing Act 2003.

This page is intentionally left blank