

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council

**DATE:** 28<sup>th</sup> January 2014

**CONTACT OFFICER:** Teresa Clark, Senior Democratic Services Officer  
(01753 875018)

**WARD(S):** ALL

### **PART I**

### **FOR DECISION**

## **LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY**

### 1. **Purpose of Report**

To report the recommendation of the Licensing Committee from its meeting held on 16<sup>th</sup> January, 2014, regarding the Review of the Council's Statement of Licensing Policy for the Licensing Act 2003.

### 2. **Recommendation**

That the Council is requested to resolve that the revised Statement of Licensing Policy for the period 2014 -2019 be approved.

### 3. **Community Strategy Priorities–**

- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

### 4. **Other Implications**

#### (a) Financial

There are no financial implications of the proposed action.

#### (b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 above	The Licensing Act 2003 requires that the Licensing Authority have in place a policy document to adhere to in order to carry out its functions under the Licensing Act 2003	Licensing functions cannot be carried out without a policy document in place

#### (c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Part 1 and 11 of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to a peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal by law.

The Licensing Act 2003 requires the Council, as the licensing authority, to prepare and publish a statement of its licensing policy every 5 years and have regard to the Guidance issued by the Secretary of State under section 182 of the 2003 Act. The Council is required to have regard to the statement of licensing policy and make decisions in accordance with it. The 2003 Act imposes a duty on the Council, as the licensing authority, to carry out its functions under the Act with a view to promoting the four licensing objectives.

(d) Equalities Impact Assessment

There are no negative impacts of opportunity for any equality target group or for any reasons. The Government carried out an Equality Impact Assessment on the introduction of the Act and with new legislation making amendments to the Act, which found that there is no unintended or disproportionate impact.

**5. Supporting Information**

- 5.1 The Licensing Act 2003 requires each licensing authority to prepare and publish a statement of licensing policy, setting out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four Licensing Objectives.
- 5.2 The Police Reform and Social Responsibility Act 2011 has amended the required review periods as follows:
- a) The period for which full revisions are to be made is now 5 years
  - b) It must be kept under review during that period
  - c) If a revision is conducted during the 5 years period, it will not require a further review until 5 years after the date of the publication of the revised Policy.
- 5.3 The current policy approved in 2010, took effect in January 2011 to cover the period up to 2016. Since the last revision there have been a number of statutory changes to the 2003 Act which has resulted in required changes to the Council's Statement of Licensing Policy to ensure it is up to date. The draft revised policy, attached at **Appendix A**, reflects the necessary changes and amendments.
- 5.7 The revised draft Policy was subject to public consultation, which commenced on 31<sup>st</sup> August 2013 and concluded on 30<sup>th</sup> September 2013 (attached at **Appendix B**) and a summary of the main changes and additions to the revised Policy document are attached at **Appendix D**. Only one response was received to the consultation (attached at **Appendix C**).

**6. Comments of Other Committees**

The Licensing Committee considered the report detailing the revised Statement of Licensing Policy at its meeting on 16<sup>th</sup> January 2014. Members agreed that the revised Policy be recommended to Council for approval.

**7. Conclusion**

Members, having considered the Statement of Licensing Policy are requested to adopt the revised document and this will take effect from 29<sup>th</sup> January, 2014.

**8. Appendices Attached**

- 'A' - Revised draft Statement of Licensing Policy
- 'B' - List of consultees
- 'C' - Response to consultation
- 'D' - Summary of main changes and additions

**9. Background Papers**

- '1' - Licensing Act 2003
- '2' - Secretary of States Guidance issued under Section 182 of the Licensing Act 2003 (Revised June 2013).
- '3' - Agenda and Minutes, Licensing Committee, 16<sup>th</sup> January, 2014