

LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

Relevant Portfolio Holder	Councillor Rebecca Blake
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To ask Members to consider the responses received during the consultation on a draft revised Statement of Licensing Policy and to recommend to Council that the revised Statement of Licensing Policy attached at Appendix 3 be approved and published with effect from 1st October 2014.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised Statement of Licensing Policy attached at Appendix 3 be approved and published with effect from 1st October 2014.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of the consultation exercise was met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy and to keep its Policy under review. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.

Service / Operational Implications

- 3.3 Redditch Borough Council's existing statement of Licensing Policy was published on 7th January 2011
- 3.4 Section 5 of the Licensing Act 2003 currently requires Licensing Authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement must be approved by Council and published no later than 7th January 2016.
- 3.5 Whilst the Council are not legally required to review the Statement of Licensing Policy for around another two years, it is felt desirable to review the Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Policy was published in January 2011.
- 3.6 Section 5 (3) of the Licensing Act 2003 also makes it a requirement that before determining or revising its Policy for a five year period, a Licensing Authority must consult:-
- (a) the Chief Officer of Police for the Licensing Authority's area;
 - (b) the Fire Authority for that area;
 - (c) such persons as the Licensing Authority considers to be representative of holders of Premises Licences issued by that Authority;
 - (d) such persons as the Licensing Authority considers to be representative of holders of Club Premises Certificates issued by that Authority;
 - (e) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that Authority; and
 - (f) such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 3.7 On 7th April 2014 the Licensing Committee considered a draft revised Statement of Licensing Policy and approved it for the purpose of consultation with all relevant parties.
- 3.8 The consultation was commenced on 17th April 2014 and lasted for a period of twelve weeks. The consultation was carried out via the Council's website and the following were all contacted directly to draw attention to the consultation:

- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Service
 - All other responsible authorities under the Licensing Act 2003
 - Various bodies that represent the licensed trade
 - Redditch Borough Councillors
 - Parish Council.
- 3.9 During the consultation exercise, the Council received two responses. The first response received was sent on behalf of the Musicians' Union and this response can be seen at Appendix 1.
- 3.10 The Musicians' Union is keen to ensure that the Council's Statement of Licensing Policy does not impose unnecessary burdens on licensed venues which would discourage their use for live music and therefore deny opportunities to working musicians.
- 3.11 In response to the comments made by the Musicians' Union, officers would point out that the Statement of Policy acknowledges the deregulation of live music and other entertainment in chapter 19.
- 3.12 The Statement of Licensing Policy also makes clear at paragraph 5.1, that every application received will be treated on its own merits and also states at paragraph 5.3 that the authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the Borough.
- 3.13 The Statement of Licensing Policy also makes clear in chapter 9, that any conditions that are attached to licences will be tailored to the individual type, location and characteristics of the premises and events concerned.
- 3.14 In summary, officers believe that the Statement of Licensing Policy strikes a fair balance between enabling the provision of live music and promoting the licensing objectives. Therefore, it is not considered that any amendments are required to the Statement of Licensing Policy in response to the comments of the Musicians' Union.
- 3.15 The second response was received from Hereford and Worcester Fire and Rescue Service and can be seen at Appendix 2.
- 3.16 The Fire and Rescue Service suggested some minor amendments to paragraph 6.2 of the draft revised Statement of Policy, relating to the requirements on plans submitted with applications. These amendments have been incorporated into the finalised Statement of Licensing Policy shown at Appendix 3.

3.17 The finalised version of the Statement of Licensing Policy, which can be seen at Appendix 3 is the version that officers ask the Committee to recommend to Council for approval and publication with effect from 1st October 2014.

4. RISK MANAGEMENT

4.1 If the Statement of Licensing Policy is not reviewed and updated, the decisions taken by the Council under the Licensing Act 2003 could be subject to legal challenge.

5. APPENDICES

Appendix 1 – Response from Musicians' Union
Appendix 2 – Response from Hereford & Worcester Fire and
Rescue Service
Appendix 3 – Draft Revised Statement of Licensing Policy

6. BACKGROUND PAPERS

Existing Statement of Licensing Policy

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