



AGENDA ITEM: 11

SUMMARY

Report for:	Council
Date of meeting:	18 November 2015
Part:	I
If Part II, reason:	

Title of report:	Review of licensing policies for alcohol, entertainment and gambling licences
Contact:	<i>Referral from Licensing and Health & Safety Enforcement Committee</i> Author/Responsible Officer: Ross Hill – Licensing Team Leader (Legal Governance) Steve Baker – Assistant Director (Chief Executive’s Unit)
Purpose of report:	To receive a report on a matter referred from the Licensing and Health and Safety Enforcement Committee, concerning the adoption of revised statutory licensing policy statements in respect of alcohol, entertainment and gambling licences.
Recommendations	That Council adopts and publishes in accordance with statutory requirements:- (1) The attached draft Statement of Licensing Policy as the Council’s ‘Statement of Licensing Policy’ under section 5 of the Licensing Act 2003 for the five-year period from 7 January 2016 to 6 January 2021, and (2) The attached draft Statement of Principles as the Council’s ‘Statement of Principles’ under section 349 of the Gambling Act 2005 for the three-year period from 31 January 2016 to 30 January 2019, Both Policy and Statement of Principles can be viewed using the links shown at the end of this report.
Corporate Objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence • Reputation and profile delivery

Implications:	<u>Financial</u> None identified.
'Value For Money Implications'	<u>Value for Money</u> None identified.
Risk Implications	Adoption of revised policy statements is a statutory requirement, and failure to correctly fulfil that requirement may have adverse legal and reputational consequences. All pre-requisite actions to the adoption of policies have been fulfilled, and if adoption is agreed officers will ensure that necessary actions are taken to publish and disseminate the revised policies, in accordance with statutory requirements.
Community Impact Assessment	A Community Impact Assessment has been carried out and no adverse implications have been identified arising from this report.
Health And Safety Implications	None identified
Monitoring Officer/Deputy S.151 Officer Comments	Monitoring Officer: This report has been prepared in conjunction with the Monitoring Officer. Deputy S.151 Officer There are no direct financial implications of these proposals.
Consultees:	Public consultation was carried out over an 8-week period in August and September 2015; the results were reported to the Licensing and Health and Safety Enforcement Committee on the 27 October 2015 and the comments received were considered during the preparation of the final draft policy statements.
Background papers:	Draft Statement of Licensing Policy 2016-2021 Draft Statement of Principles 2016-2019 <i>(both circulated separately)</i>
Glossary of acronyms and any other abbreviations used in this report:	

Background

1. The Council has statutory duties in respect of the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005. Both these Acts require 'licensing authorities' to publish and periodically review their written policy statements, setting out how they intend to exercise the licensing and enforcement powers conferred on them by the Acts, the principles that they will follow, and their expectations of licensees.

2. Both Council policies must be reviewed and readopted by January 2016, to satisfy the relevant legislative review requirements. In addition, the policies must be 'published' by being made available for inspection on the Council's website and at its offices for a period prior to taking effect.
3. The Council's licensing officers, in conjunction with the Licensing and Health and Safety Enforcement Committee ('the Licensing Committee'), have reviewed the Council's current policy statements over the past few months, and prepared revised versions of both. In the course of this work, public consultation was carried out on the proposed revisions in August and September, with feedback in particular sought from the agencies and representatives stipulated in both Acts. The results of the public consultation were reported to the Licensing Committee on 27 October 2015.
4. At that meeting, the Licensing Committee resolved to endorse both draft policy statements and recommend them to Council for approval and adoption. The power to approve and adopt new or revised policies must be exercised by full Council, and cannot be delegated to a committee or officers.
5. The draft policy statements under both Acts have been comprehensively amended to reflect changes in recent years to both pieces of primary legislation, significant case law, and the experiences of the Council as licensing authority in carrying out its functions. The aim is to provide clear and concise documents summarising the aims and expectations of the Council as licensing authority, and to guide the exercise of delegated powers by both officers and members of the Licensing Sub-Committees when they determine actual licensing applications under both Acts.

Recommendations

6. That Council adopts and publishes in accordance with statutory requirements:-
 - (1) The attached draft Statement of Licensing Policy as the Council's 'Statement of Licensing Policy' under section 5 of the Licensing Act 2003 for the five-year period from 7 January 2016 to 6 January 2021, and
 - (2) The attached draft Statement of Principles as the Council's 'Statement of Principles' under section 349 of the Gambling Act 2005 for the three-year period from 31 January 2016 to 30 January 2019.

[Final Draft – Statement of Licensing Policy 2016-21](http://www.dacorum.gov.uk/docs/default-source/council-democracy/council-18-11-15-statementoflicensingpolicy2016-21.pdf?sfvrsn=2)

<http://www.dacorum.gov.uk/docs/default-source/council-democracy/council-18-11-15-statementoflicensingpolicy2016-21.pdf?sfvrsn=2>

[Final Draft – Statement of Principles 2016-19](http://www.dacorum.gov.uk/docs/default-source/council-democracy/council-18-11-15-statementofprinciples2016-19.pdf?sfvrsn=2)

<http://www.dacorum.gov.uk/docs/default-source/council-democracy/council-18-11-15-statementofprinciples2016-19.pdf?sfvrsn=2>