

1 July 2020		ITEM: 5
Licensing Committee		
Review of the Licensing Act 2003 – Statement of Licensing Policy		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams, Licensing Manager		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director Planning, Transport and Public Protection		
Accountable Director: Andrew Millard, Corporate Director of Place		
This report is: Public		

Executive Summary

The Licensing Act 2003 requires Local Councils to review their Statement of Licensing Policy every five years. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

1. Recommendation(s)

- 1.1 Agree for the reviewed statement of Licensing Policy to go out to consultation.**
- 1.2 That after consultation, relevant responses are reported to the Licensing Committee for consideration.**
- 1.3 If no relevant responses are received during consultation then for a recommendation to be made to full council for the adoption of the policy.**

2. Introduction and Background

- 2.1** The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every five years.
- 2.2** In compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as **Appendix 1**

2.3 As part of this review interested parties will be consulted with including licence holders and their representatives, and the public.

3. Issues, Options and Analysis of Options

3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expired on 6th January 2014. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.

3.2 The reviewed policy has included the legislative changes in the following areas:

- The introduction of the Home Office as a Responsible Authority
- The introduction of the right to work checks
- The updating of the application procedures

4. Reasons for Recommendation

4.1 Adoption of the policy is a Full Council function,

4.2 This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Full Council for adoption..

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by Thurrock Council will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.

5.2 Consultation will also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; Home Office (immigration) planning; public health and environmental health.

5.3 The draft policy will also been published on the Council's website for comments.

5.4 The consultation period will run for 6 weeks.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant.

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Full Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Team Manager, Community Development and Equalities

A Community and Equality Impact Assessment has been undertaken and there are no there are no Diversity and Equality Implications at this stage..

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

9. Appendices to the report

- Appendix 1 – Reviewed Statement of Licensing Policy.

Report Author:

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Licensing Team, Public Protection