

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, Thursday 25th June, 2015
On rising of the Licensing Regulatory
Committee (Drawing Room)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. **Declarations of Interest.**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. **Apologies for Absence/Attendance of Substitute Members.**
6. **To confirm the Minutes of the meeting held on 12th March, 2015 and the Special Meeting held on 19th March, 2015 and to note the Minutes of the Licensing Sub-Committee held on 30th April, 2015 (copies attached).**

FOR DECISION

- (D) 7. **Licensing Act 2003 – Representations made by the Licensing Authority - Changes to Delegations.**

- (D) 8. Gambling Act 2005 - Statutory Policy Review.
- (D) 9. Licensing Act 2003 and Gambling Act 2005 – Delegations.
- (D) 10. Licensing Act 2003 - Statutory Policy Review.

Membership of Committee

Callister (Chairman)
Seward (Vice Chairman)
Biggins
Bleasdale
Derbyshire
Graham
Heath
W. McClure
Maddox
Opie
Proffitt
Wall

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: Thursday 12th March, 2015
at 3.36 p.m.

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Graham, Maddox, Pemberton, Pointer, Seward and Wall.

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing), Jennifer Curtis, Licensing Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative – Mr Paul O'Donnell.

60 – Apologies for Absence

Apologies for absence were received from Councillors Derbyshire, W. McClure, Opie and Roberts.

61 – Minutes

The Minutes of the meeting held on 6th February, 2014 and the Special Licensing Committee meeting held on 25th February, 2015 were taken as read and confirmed.

The meeting closed at 3.38 p.m.

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Special Meeting: Thursday 19th March, 2015
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Graham, W. McClure, Maddox, Pemberton, Seward and Wall.

Officers Present:- Ann Pearson, Environmental Health Manager, Jennifer Curtis, Licensing Officer, Jane Holden, Deputy Monitoring Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative – Mr Paul O'Donnell.

Police Representatives – Chief Inspector Bosson (Cumbria Constabulary), Sergeant McIntosh (Cumbria Constabulary) and Catherine Cooke, Analyst (Cumbria Constabulary).

62 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Opie and Roberts.

63 – Application for the Adoption of a Special Cumulative Impact Policy

The Licensing Officer re-submitted a report regarding an application made by Cumbria Constabulary for Barrow Borough Council as the Licensing Authority to adopt a Special Cumulative Impact Policy for a defined area of Barrow Town Centre due to high levels of crime and disorder taking place. The adoption of any policy required a change to the Council's Statement of Licensing Policy; therefore a three month period of consultation would be required.

At the Licensing Committee meeting on 25th February, 2015 Members received a report relating to the Application for the Adoption of a Special Cumulative Impact Policy from Cumbria Constabulary which was appended to the report for information. Members resolved at that meeting to defer making a decision until further data from Cumbria Constabulary (CC) and Council Officers (CO) was obtained and presented to the Members dealing with the following:-

1. Crime figures for the last 6 years covering beats S02, S03 and S04 (the police beat areas which the proposed Cumulative Impact Policy would cover) summarising:-
 - a) the number of criminal complaints made; and
 - b) the number of criminal convictions secured

2. Any supporting anecdotal evidence of the positive impact SCIP's had had in other Licensing Authority areas as a means of addressing cumulative impact (CC);
3. Details of how many SCIP's were in place in England (CC);
4. An explanation as to why the boundary of the proposed SCIP covered such a large area (CC);
5. Alcohol related admissions/attendances (ideally attributed to the night time economy) from SCIP area to Furness General Hospital over the last 6 years (CC);
6. Heat map showing the proposed SCIP area for the last 6 years showing the location of where complaints of offences against the person and anti-social disorder took place;
7. In respect of the proposed SCIP area, for each of the last 6 years:-
 - a) the number of new applications which were made for licensed premises in each of the last 6 years by type; and
 - b) the number of active licensed premises (Members were mindful that licenses continued to run post closure of the premises until surrender/revocation and wished to eliminate this element from the statistics under consideration).

The data (points 1 to 6) from Cumbria Constabulary was tabled at the meeting and was summarised as follows:-

1. Details of all complaints and detections of all crimes in the SCIP area from March 2009 to February 2015;
2. Details regarding the positive impact relating to a SCIP in Blackpool;
3. Current data showed that there were at least 212 SCIP's nationally according to Home Office information;
4. The Police's SCIP area rationale was that the area requested was reasonable and proportionate to the current issues with violence and drink related ASB within Barrow Town Centre. It was the view of the Police that, this area should be considered before a recommendation was suggested to decrease the size of the SCIP area;
5. Public Health information regarding Barrow-in-Furness with a comparison to England average. It was noted that this was the only information available at the time of request and further information could be gained if consultation was agreed. The Health Profile 2014 for Barrow-in-Furness was tabled at the meeting for information; and

6. A Hot spot map identifying all crimes in the SCIP area from March 2009 to February 2015 was provided. A Hot spot map identifying offences against the person and ASB in the SCIP area from March 2009 to February 2015 was also provided.

The data (point 7) from Council Officers was included in the report and was summarised as follows:-

- a) the number of new applications which were made for licensed premises in each of the last 6 years by type;
- b) the number of active licensed premises; and
- c) new licence applications by type within the proposed SCIP area were tabled at the meeting.

Within the area there were 60 premises Licences, 14 Late Night Refreshment Premises and 3 Club Premises Certificates currently active within the proposed SCIP area. A list of these premises was attached as an appendix to the report.

National Guidance (October 2014 revision) issued under Section 182 of the Licensing Act 2003 relating to Cumulative Impact (Paragraphs 13.19 – 13.40) were also attached as an appendix to the report for Members' information.

Representatives from Cumbria Constabulary had been given the opportunity to make representations and answer questions from Committee Members.

All parties with the exception of Paul O'Donnell (Solicitor), Jane Holden (Deputy Monitoring Officer) and Sharron Rushton (Democratic Services) withdrew and were re-admitted to the meeting following the Committee's deliberations.

It was moved by Councillor Graham and seconded by Councillor Callister that Members declined the recommendation to undertake a three month consultation period for a Special Cumulative Impact Policy for a defined area of Barrow Town Centre.

This was duly voted upon and;

RESOLVED:- (i) That the Committee declined the recommendation to undertake a three month consultation period for a Special Cumulative Impact Policy for a defined area of Barrow Town Centre.

The Committee decided that they had not been presented with adequate evidence to justify the commencement of the consultation process for the introduction of a special policy based on cumulative effect.

The police as a responsible authority retained the right to raise the cumulative impact of any future licensing application on the grounds that the premises in question would give rise to a negative cumulative impact on one or more of the licensing objections.

The Committee felt that they had not been presented with sufficient evidence to justify consideration of a variation to that approach.

The Committee noted in particular that complaints of criminal conduct for the proposed SCIP area had fallen by 14% over the last 6 years. The Committee were also mindful of the fact that only one application for a full licence was made in the SCIP area in 2014 and that applications in general were falling.

The meeting closed at 3.55 p.m.

LICENSING SUB-COMMITTEE

Meeting: Thursday 30th April, 2015
at 2.00 p.m.

PRESENT:- Councillors Callister, Irwin and Roberts.

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing), Jennifer Curtis, Senior Licensing Officer, Jane Holden, Deputy Monitoring Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative:- Mr Paul O'Donnell.

Environmental Protection Team: Graham Barker, Environment Protection Team Manager and Geoff Dowker, Environmental Protection Team Officer.

Representative of the Applicant:- Mr Ozmus.

5 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Pemberton. Councillor Roberts had substituted for Councillor Pemberton for this meeting only. Apologies for absence were also received from Cumbria Constabulary and the Local Planning Authority Development Services Manager.

6 – Minutes

The Minutes of the Licensing Sub-Committee held on 27th August, 2014 were taken as read and confirmed.

7 – Application for a Premises Licence to include the provision of Late Night Refreshment

The Senior Licensing Officer reported on an application she had received from Mr Ozmus for a Premises Licence to include the provision of Late Night Refreshment for La Pizzeria, 116 Lesh Lane, Barrow-in-Furness.

The application was to provide Late Night Refreshment Sunday - Thursday 23.00pm – Midnight, Friday - Saturday and Bank Holiday Sundays 23.00pm – 01.00am. The premise currently operated until 23.00 hours 7 days a week.

The application had been advertised on the premises as required by statute for a 28 day period, had also been advertised in the local newspaper and had been submitted to the relevant responsible authorities for consultation including:-

- Licensing Authority;
- The Local Planning Authority;
- Environmental Protection Team;
- Chief Officer of Police;

- Health and Safety Officer;
- Divisional Officer, Cumbria Fire and Rescue;
- Trading Standards;
- Public Health; and
- Safeguarding and Review, Child Protection.

Relevant objections to the granting of the licence had been received from the Environmental Protection Team and the Local Planning Authority. The objections received raised concerns over the applicants ability to promote one of the licensing objectives; the prevention of public nuisance.

The responses from the Environmental Protection Team Leader and the Development Services Manager (Planning) had been detailed in the report. Also included within the report was reference to Paragraphs of National Guidance issued under Section 182 of the Licensing Act 2003 (revised June 2014) which were particularly relevant for Members when making a decision concerning the application. Reference had also been made to Paragraphs of the Council's current Statement of Licensing Policy to assist Members in their decision making.

The applicant had been invited to attend to make representations but had requested a representative attend on his behalf.

The Environmental Protection Team Leader had also been invited to attend the meeting to make representations.

RESOLVED:- That in accordance with Section 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order 2006, members of the public (including the press) be excluded from the meeting during the deliberations of the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

Environmental Health Officers along with the applicant's representative and the objectors withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Premises Licence be approved to include the provision of Late Night Refreshment Sunday - Thursday, 2300 hours – Midnight, Friday - Saturday and Bank Holiday Sundays 23.00 hours – 01.00 am.

The Sub-Committee arrived at their decision having considered the National Licensing Guidance and hearing representations. The decision was made due to there being no other substantial objections following 2011 and no objections from nearby residents. The Sub-Committee also believed that there would not be increased noise disturbance to people living and working in the close vicinity and therefore residencies would not be adversely affected.

The meeting closed at 3.25 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 25th June 2015	
Reporting Officer: Environmental Health Manager	
<p>Title: Licensing Act 2003 – Representations made by the Licensing Authority - Changes to Delegations</p> <p>Report Summary:</p> <p>From 25th April 2012, licensing authorities were included in the list of responsible authorities under the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011.</p> <p>All local authorities need to put in place appropriate arrangements to enable them to fulfil their obligations under the Licensing Act 2003 (as amended) as a responsible authority, ensuring an appropriate separation of responsibilities between the officer advising the licensing committee or sub-committee in its capacity as the licensing authority and the officer acting for the Council as the responsible authority.</p> <p>This can be achieved by the Licensing Committee delegating the role of the Officer making representations to the Assistant Director Regeneration and Built Environment.</p>	

Report

1. Purpose of Report

- 1.1 There have been a number of changes to licensing legislation introduced by the Police Reform and Social Responsibility Act 2011. One of these states that from 25th April 2012, licensing authorities are included in the list of responsible authorities under the Licensing Act 2003.

Responsible Authorities include:-

- The chief officer of police;
- The local fire and rescue authority;
- The relevant enforcing authority under the Health and Safety at Work etc. Act 1974;
- The local authority with responsibility for Environmental Health;
- The local planning authority;
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- Each local authority's Director of Public Health (DPH); and

- The local weights and measures authority (trading standards).
- In relation to a vessel, navigation authorities (e.g. Maritime and Coastguard Agency)

1.2 As a responsible authority, the Council, as the licensing authority, may now submit representations on applications and variations of premises licences and also seek a review of an existing licence, without having to wait for the police or another responsible authority to make representations.

1.3 The Committee should note that guidance issued by the Home Office states that licensing authorities are not expected to act as a responsible authority on behalf of other responsible authorities or other parties. Such parties can make relevant representations to the licensing authority in their own right and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so.

However if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.

2. **Relevant Legislation**

2.1 **Section 7(1) of the Licensing Act 2003** states that all matters relating to the discharge by a licensing authority of its licensing function are referred to its Licensing Committee and accordingly that Committee must discharge those functions on behalf of the authority.

2.2 **Section 10(1) of the 2003 Act** allows the Committee to arrange for the discharge of any functions exercisable by it, to a sub-committee established by it or to an Officer of the licensing authority. Certain exceptions (listed under Section 10(4)) apply to the latter but the recommendation in this report is not affected.

3. **Recommendation**

I recommend that Members delegate authority to the Assistant Director Regeneration and Built Environment to act as the Licensing Authority for the purpose of making representations on applications and variations of premises licences and also seeking a review of an existing licence under the Licensing Act 2003 and that the Council's constitution be changed accordingly.

4. **Reason for Recommendation**

The Council needs to ensure there is a separation of responsibilities between the officer advising the licensing committee or sub-committee in its capacity as the licensing authority and the officer acting for the Council as the responsible authority.

The delegation as detailed above will achieve this and ensure procedural fairness and eliminate conflicts of interest.

Considerations

(i) Legal Implications

All local authorities need to put in place appropriate arrangements to enable them to fulfil their obligations under the Licensing Act 2003 (as amended) as a responsible authority, ensuring an appropriate separation of responsibilities between the officer advising the licensing committee or sub-committee in its capacity as the licensing authority and the officer acting for the Council as the responsible authority.

Section 7(1) of the Licensing Act 2003 states that all matters relating to the discharge by a licensing authority of its licensing function are referred to its Licensing Committee and accordingly that Committee must discharge those functions on behalf of the authority.

Section 10(1) of the 2003 Act allows the Committee to arrange for the discharge of any functions exercisable by it, to a sub-committee established by it or to an Officer of the licensing authority. Certain exceptions (listed under Section 10(4)) apply to the latter but this recommendation is not affected.

(ii) Risk Assessment

The recommendation has no implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no implications.

(v) Council Priorities and Objectives

This recommendation supports Priority 4 - **Service Delivery** – which states that the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(vi) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vii) Human Rights Implications

A fundamental right in the Human Rights Act 1998 is that individuals have a right to a fair trial or public hearing. This is relevant to public authorities making a decision that has a decisive impact on a person's civil rights or obligations. This is relevant to the Licensing Process.

Making arrangements to clearly separate the roles of the Licensing Authority when it makes a representation (as detailed in this report), will ensure that potential hearings and the associated decision making are fair and impartial, thereby upholding human rights.

(viii) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 8
Date of Meeting: 25th June, 2015	
Reporting Officer: Principal Environmental Protection and Licensing Officer	

Title: Gambling Act 2005 - Statutory Policy Review

Report Summary:

Section 349 of the Gambling Act 2005 requires that the Council develops, consults on and publishes a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

The Statement must be produced following consultation with those bodies and persons set out in s.349 (3) of the Act. Regulations made by the Secretary of State prescribe the form of the Statements and the procedure to be followed in relation to them and their publications.

This report informs Members of arrangements for carrying out a review of the Council's Statement of Gambling Policy in accordance with the Gambling Act 2005.

For noting:

That Members note the following information:

- (i) the revised Statement of Gambling Policy is subject to consultation with those persons listed in section 349(3) of the Gambling Act 2005. Consultation will commence on 29th June 2015 and end on 18th September 2015; and
- (ii) the results of the consultation will be reported to Executive Committee in December 2015 for consideration before being forwarded to full Council, with any proposals, for adoption.

Report

Background

Section 349 of the Gambling Act 2005 requires that the Council develops, consults on and publishes a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

The Licensing Objectives

The Act created the three licensing objectives which form the foundation of the regime. The Statement of Policy must state and promote these objectives;

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The statement should also state that the licensing authority shall aim to permit the use of premises for gambling as set out in section 153 of the Act.

When making deliberations Licensing Committee Members must have regard to this Statement of Licensing Policy together with the statutory guidance issued by the Gambling Commission.

The Gambling Act 2005 covers all premises that allow commercial gambling, which includes:

- Bookmakers
- Horse tracks
- Dog tracks
- Casinos
- Amusement arcades; and
- Pubs and bars that have gaming machines

The Statement

This report is presented to explain proposed arrangements for carrying out a review of the Council's Statement of Gambling Policy in accordance with the Gambling Act 2005. The new Policy will provide a licensing framework for stakeholders within the Barrow Borough Council area.

The Cumbrian Licensing Managers Working Group of which Barrow Borough Council is a part, have developed a template for the policy to promote consistency between the 6 local authorities.

This policy revision will reference the Gambling Commissions *Licence Conditions and Codes of Practice* (LCCP) which were revised and published in February 2015, formalising the need for operators to consider local risks. Furthermore, the Commission's latest guidance to licensing authorities (5th edition, March 2015) which is out to consultation until 22nd June, 2015. This guidance includes a social responsibility code and advice on licensing authorities completing their own local area profiles, an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Completion of a local area profile is not a requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks.

In preparing a statement or revision the licensing authority must consult:

- the chief officer of police for the authority's area, or
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The policy will also be available on the Council's website and a press release will be issued to inform the wider community. Any revisions made to the existing policy must be published in a revised policy no later than 3rd January, 2016.

Members will be kept informed of developments regarding the consultation of the review of the Statement of Gambling Policy over the coming months. It will be necessary for any proposed changes to the existing policy to be approved by full Council. As Council does not meet until 19th January, 2016 it may be necessary to hold a special meeting in December, 2015 to consider any policy revisions.

Recommendation:

Not applicable to this report.

Report is for information purposes only.

Reason for Recommendation:

The report is for information purposes only.

(i) Legal Implications

Section 349 of the Gambling Act 2005 requires that the Council develops, consults on and publishes a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

The Statement must be produced following consultation with those bodies and persons set out in s.349 (3) of the Act. Regulations made by the Secretary of State prescribe the form of the Statements and the procedure to be followed in relation to them and their publications.

(ii) Risk Assessment

There are no requirements for a risk assessment.

(iii) Financial Implications

There are no financial implications

(iv) Health and Safety Implications

There are no Health and Safety implications.

(v) Key Priorities or Corporate Aims

This recommendation supports the following priorities:

Priority 2 – Regeneration and Public Realm – which states that the Council is committed to working with partners and service providers to enhance the built environment.

Priority 4 – Service Delivery – which states that the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(vi) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vii) Other Human Rights

The recommendation has no adverse effect on the Human Rights of individuals.

(viii) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service. The review of the Statement of Gambling Policy could improve health and reducing health inequalities, by setting the expectations on each of the licensing objectives which may have an impact on the health of a resident.

Background Papers

Nil

LICENSING COMMITTEE		Part One
Date of Meeting: 25th June, 2015		(D)
Reporting Officer: Environmental Health Manager		Agenda Item 9
<p>Title: Licensing Act 2003 and Gambling Act 2005 – Delegations</p> <p>Report Summary:</p> <p>The Council, as the Licensing Authority, needs to put in place a detailed scheme of delegation in order to discharge its duties and powers under the Licensing Act 2003 and Gambling Act 2005 in an effective and professional manner.</p> <p>This report details a suggested scheme of delegation of functions to officers which is recommended to Members of the Licensing Committee for formal approval.</p>		

Report

1. Purpose of Report

The Council, as Licensing Authority, needs to put in place a detailed scheme of delegation in order to discharge its duties and powers under the Licensing Act 2003 and Gambling Act 2005 in an effective and professional manner.

2. Relevant Legislation and Policy

The table of delegations (attached at **Appendix A**) specific to the Licensing Act 2003 and Gambling Act 2005 mirror the recommendations of the Statutory Guidance issued by the Department of Culture Media and Sport as well as the Council's Statements of Licensing Policy and Gambling Policy.

Section 10(1)(b) Licensing Act 2003 and Section 154 Gambling Act 2005 requires licensing committees to determine their own scheme of delegations in the exercise of their functions under these Acts. This requirement bypasses Article 13.02 of the Council's constitution which requires these matters to firstly be considered by the Executive Committee prior to approval by Council.

3. Recommendation

I recommend that Members adopt the scheme of delegation for the purposes of the Licensing Act 2003 and Gambling Act 2005 (attached at Appendix A), allowing the Environmental Health Manager to deal with any matter which is within the Scheme of Delegation as permitted by those Acts and that the Council's constitution be changed accordingly.

4. Reason for Recommendation

The delegation will allow the Licensing Authority to discharge its duties and powers under the abovementioned legislation in an effective and professional manner.

Considerations

(i) Legal Implications

Section 10(1)(b) Licensing Act 2003 and Section 154 Gambling Act 2005 requires licensing committees to determine their own scheme of delegations in the exercise of their functions under these Acts.

(ii) Financial Implications

The recommendation has no financial implications.

(iii) Health and Safety Implications

The recommendation has no implications.

(iv) Council Priorities and Objectives

This recommendation supports Priority 4 - **Service Delivery** – which states that the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Human Rights Implications

The recommendation has no implications.

(vii) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

APPENDIX A

Licensing Act 2003 – Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary premises licence/club premises certificate by way of a minor variation			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Determination of film classification		All cases	

A Full committee will consist of 12 Members, with a quorum of 3.

A Sub-Committee will consist of 3 Members.

Gambling Act 2005 – Table of Delegated Functions

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X (in excess of 5 machines)	X (up to 4 machines)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X - Indicates at the lowest level to which decisions can be delegated.

LICENSING COMMITTEE

**(D)
Agenda
Item
10**

Date of Meeting: 25th June, 2015

**Reporting Officer: Principal Environmental Protection
and Licensing Officer**

Title: Licensing Act 2003 - Statutory Policy Review

Report Summary:

The Licensing Act 2003 requires that the Council publish a 'Statement of Licensing Policy' setting out the policies the Council will generally apply to promote the four licensing objectives when making decisions on applications under the Act.

The Council's current Policy Statement came into force from January 2011 and at the time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to 5 years.

This reports details how the review will be conducted in accordance with the Licensing Act 2003.

Section 7(2) Licensing Act 2003 prohibits the Committee from setting its own policy therefore the draft Policy and the results of the consultation will be reported to the Executive Committee for consideration and approval prior to being ratified at Full Council.

For noting:

That Members note the following information:

- (i) the revised Statement of Licensing Policy is subject to consultation with those persons listed in section 5(3) of the Licensing Act 2003. Consultation will commence on 29th June, 2015 and end on 18th September 2015; and
- (ii) the results of the consultation will be reported to Executive Committee in December 2015 for consideration before being forwarded to full Council, with any proposals, for adoption.

Report

Background

The Licensing Act 2003 requires that the Council publish a 'Statement of Licensing Policy' setting out the policies the Council will generally apply to promote the four licensing objectives when making decisions on applications under the Act: -

- The prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Prevention of children from harm

When making deliberations Licensing Committee Members must have regard to this Statement of Licensing Policy together with the statutory guidance issued under s. 182 Licensing Act 2003

The Council's current Policy Statement came into force in January 2011 and at the time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to 5 years.

Following the above legislative changes a revised policy must be adopted no later than 7th January 2016

Drafting the new policy

The Cumbrian Licensing Managers Working Group of which Barrow Borough Council is a part, have developed a template for the policy to promote consistency between the 6 local authorities. The template has been revised and is being used for the first time.

Suggested amendments to the Policy have been prepared by officers having regard to changes to legislation and guidance since the Policy was last. In summary the following changes have been made:

- The draft Licensing Policy is concise, easier to read and understand than the previous version.
- The draft Licensing Policy incorporates changes to legislation such as the deregulation of regulated entertainment, the introduction of the Live Music Act 2012, changes to the definition of Interested parties, and the Licensing Authority can now act as a responsible authority.

When determining and publishing a statement of its policy and licensing function, local authorities must have regards to 'Revised Guidance issued under 182 of the Licensing Act 2003'. Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for Barrow Borough Council to determine whether revisions to its own licensing policy statement are appropriate.

Before determining its Policy for a five year period the Licensing Authority must consult with the following:

- the Chief of Police for the area;
- the Fire Authority for the area;
- the local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

The policy will also be available on the Council's website and a press release will be issued to inform the wider community. Any revisions made to the existing policy must be published in a revised policy no later than 7th January, 2016.

Members will be kept informed of developments regarding the consultation of the review of the Statement of Licensing Policy over the coming months. It will be necessary for any proposed changes to the existing policy to be approved by full Council. As Council does not meet until 19th January, 2016 it will be necessary to hold a special meeting in December, 2015 to consider any policy revisions.

(i) Legal Implications

Section 5(1) of the Licensing Act 2003 provides that each licensing authority must, in respect of each five year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

Section 5(3) requires that before determining policy a licensing authority must consult those persons listed

Section 7(2) Licensing Act 2003 prohibits the Committee from setting its own policy therefore the draft Policy and the results of the consultation will be reported to the Executive Committee for consideration and approval prior to being ratified at Full Council.

(ii) Risk Assessment

There are no requirements for a risk assessment.

(iii) Financial Implications

There are no financial implications

(iv) Health and Safety Implications

There are no Health and Safety implications.

(v) Key Priorities or Corporate Aims

This recommendation supports the following priorities:

Priority 2 – Regeneration and Public Realm – which states that the Council is committed to working with partners and service providers to enhance the built environment.

Priority 4 - Service Delivery – which states that the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(vi) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vii) Other Human Rights

The recommendation has no adverse effect on the Human Rights of individuals.

(viii) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service. The review of the Statement of Licensing Policy could improve health and reducing health inequalities, by setting the expectations on each of the licensing objectives which may have an impact on the health of a resident.

Background Papers

Nil.