

## **Report to the Licensing Committee**

**Report reference:** **LSC-004-2010/11**

**Date of meeting:** **13 October 2010**



**Epping Forest  
District Council**

**Portfolio:** **Safer & Greener.**

**Subject:** **Statement of Licensing Policy.**

**Responsible Officer:** **Alison Mitchell (01992 564017).**

**Democratic Services Officer:** **Gary Woodhall (01992 564470).**

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### **Recommendations/Decisions Required:**

- (1) To consider the representations made in respect of the Licensing Policy; and**
- (2) To agree to the Licensing Policy incorporating any agreed amendments and recommend that it is adopted by the Council.**

### **Executive Summary:**

On 14 April 2010 the Licensing Committee agreed that the draft statement of Licensing Policy which was annexed to the report should go out to consultation and the replies be reported back. Four replies to the consultation were received which are attached. The Committee is asked to consider the replies taking into account the requirements of the Licensing Act 2003 and to recommend to the Council the adoption of the Licensing Policy with any amendments it considers necessary.

### **Reasons for Proposed Decision**

The Licensing Act 2003 ('the Act') requires that a Licensing Authority reviews and publishes its licensing policy every three years and for consultation to take place on the proposed policy. This must be completed before 7 January 2011.

### **Other Options for Action:**

There is no legal option other than to carry out the review, consultation and adopt a policy.

### **Report:**

1. Following the decision of the Licensing Committee, a consultation took place. The Licensing Act 2003 prescribes that the following must be consulted:

- (a) the Chief Officer of Police for the Licensing Authority area;
- (b) the Fire Authority for that area;
- (c) such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by that authority; and

(d) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

2. A full list of those consulted is attached.

3. Four responses were received, and again copies are attached.

4. Members are reminded that recently the government issued a consultation document – Rebalancing the Licensing Act 2003. There was a short time for reply and therefore it was not possible to report to this Committee. It was discussed at the Safer Cleaner Greener Standing Scrutiny Panel and the Overview and Scrutiny Panel and reported to Cabinet. If the proposals set out in the consultation document are adopted it may be necessary to amend the Licensing Policy but the Government has issued guidance that states that this current review of policy must proceed as required by statute.

5. The policy was written taking account not only of the statute but guidance issued under S182 of the Act. Section 4 of the Act provides that in carrying out its functions a licensing authority must ‘have regard to’ this guidance issued by the Secretary of State under S182. However, the Guidance cannot anticipate every possible scenario or set of circumstances and so, as long as the Guidance has been considered and the Authority has given full reasons it is free to depart from the Guidance.

6. Comments on the Objections received:

(a) Loughton Town Council:

<p>(i) Paragraph 1.16 line 3 - the Town Council has asked that the word ‘the’ should be omitted and replaced by ‘any’. This wording is a quotation from the Guidance and the Authority would have to give full reasons for permitting any change;</p> <p>(ii) the Town Council has asked that the last sentence be deleted. This wording again reflects the Guidance. It could be deleted but the Authority would have to take account of the Guidance when reaching any decision but this Guidance may be changed in the future; and</p>
<p>(iii) Paragraph 1.24 - A District Councillor may make a representation in respect of an application made in respect of premises anywhere within the District.</p>

(b) Loughton Residents' Association:

<p>(i) Paragraph 1.16 - The Guidance states that ‘A natural concern to prevent disturbance in neighbourhoods should always be balanced against these wider cultural benefits, particularly for children’. Each case should be decided on its merits;</p>
<p>(ii) Paragraph 1.32 - The Guidance stresses the need to promote a broad range of entertainment. If the quality of life of local residents is affected in one area then this would be the subject of a Licensing Act Review procedure; and</p>
<p>(iii) Paragraph 7 - Any condition imposed on a licence should be the minimum. Restricting opening hours would be an option to consider under conditions when an application is heard.</p>

**Resource Implications:**

None.

**Legal and Governance Implications:**

Licensing Act 2003, and other documentation listed in the draft policy.

**Safer, Cleaner and Greener Implications:**

The Council Plan 2006 – 2010 – A Safe Community.

**Consultation Undertaken:**

Consultation undertaken in respect of the draft Licensing Policy.

**Background Papers:**

Report and Minutes of the Licensing Committee dated Wednesday 14 April 2010.

**Impact Assessments:**

Risk Management

N/A.

Equality and Diversity:

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
No.

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
None.