

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Committee

22 January 2020

Report title	Licensing Act 2003 – Review of Statement of Licensing Policy	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Michelle James	Licensing Policy Manager
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Report to be/has been considered by	Full Council	1 April 2020

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Consider responses to the consultation for the Statement of Licensing Policy.
2. Agree the policy and its revisions.
3. Refer the revised Statement of Licensing Policy to Full Council for final approval and implementation.

1.0 Purpose

- 1.1 To advise the Statutory Licensing Committee of the responses received to the consultation agreed at their meeting of 18 September 2019 regarding the Statement of Licensing Policy and for the Committee to agree the policy and its revision and agree its referral for consideration and determination at Full Council at its meeting of 1 April 2020.

2.0 Background

- 2.1 Section 5 of the Licensing Act 2003 requires that all licensing authorities prepare and publish a Statement of Licensing Policy in order to exercise their functions under the Act. The policy must be revised every five years or sooner if revisions are considered appropriate.
- 2.2 The Current Statement of Licensing Policy was implemented on 3 April 2015 for a five-year period. The new policy must be published and in force on or before 3 April 2020.

3.0 Consultation

- 3.1 Following agreement, a consultation was conducted between 18 September 2019 and 18 December 2019. Information regarding the Statement of Licensing Policy and how to comment was orally delivered to the local Partners and Communities Together (PACT) residents' meetings across the area.
- 3.2 All responsible authorities were engaged during the drafting of the policy and their comments incorporated into the draft policy statement. Each of the Responsible Authorities has also received a copy of the draft statement as part of the consultation process.
- 3.3 Every holder of a premises licence, including agents, individual applicants, pub companies, Breweries, Pubwatch, Wolverhampton BID, legal representatives and every individual holder of a personal licence issued by this authority have been consulted as part of the revision process.
- 3.4 The PACT groups were all part of the consultation process and an oral presentation with directions as to where and how to view the consultation documents and make representations were delivered to each meeting.
- 3.5 A total of three responses were received and a summary of these are set out at **Appendix 1**.
- 3.6 Comments from the Fire Authority have been amended as suggested within the policy document. Letters received from Royal Wolverhampton NHS Trust and the Director of Public Health relate to administrative suggestions and, where appropriate, will be addressed administratively outside of the policy. For the sake of completeness, these responses have been summarised and included in the table of responses.

3.7 The amended Draft Statement of Licensing Policy is included as **Appendix 2**.

4.0 Financial implications

4.1 The costs associated with the preparation and publication of the Statement of Licensing Policy are met from the Licensing budget. No other financial implications arise as a result of this process and report.
[NC/03012020/X]

5.0 Legal implications

5.1 The Licensing Authority is required to act in accordance with the:

- provisions of the Licensing Act 2003,
- statutory guidance issued by the Secretary of State, and
- Council's Statement of Licensing Policy, in its determination of applications.

5.2 Section 5 of the Licensing Act 2003 provides that a Licensing Authority must, every 5 years, determine and publish a Statement of Licensing Policy.

5.3 The integrity of the Statement of Licensing Policy has the potential to directly impact upon the Council's determination of applications under the Act and as such decisions made could be the subject of judicial review or appeal.

5.4 The Licensing Authority in determining applications and taking enforcement action pursuant to the Licensing Act 2003 will also have regard to the provisions of the Human Rights Act.
[SH/08012020/B]

6.0 Equalities implications

6.1 Businesses, personal licence holders and local people have been invited and encouraged to participate in the formation of this Statement of Licensing Policy.

7.0 Climate Change and Environmental implications

7.1 There are no climate change and environmental implications in relation to this report.

8.0 Human resources implications

8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

9.1 There are no Corporate Landlord Implications arising from this report.

10.0 Schedule of background papers

10.1 Licensing Act 2003
Current Statement of Licensing Policy
Section 182 Guidance issued by the Secretary of State
Advice from Counsel on policy amendments and development
Consideration of draft policy from Counsel