

STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

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1. Summary

- 1.1 The Licensing Act 2003 requires the Council to prepare and publish a statement of licensing policy with respect to its licensing functions at least every five years. During the five-year period, the policy must be kept under review and the Council may make any revisions to it as it considers appropriate.
- 1.2 The Council agreed a proposed statement of licensing policy on 18 July 2013 and requested the Head of Public Protection to consult on the proposed policy. The consultation has been undertaken and this report sets out the comments received together with a modified proposed statement of licensing policy.

2. Recommendations

- 2.1 That the Council considers the comments received during the consultation period, as set out in **Appendix A**, and agrees, with any necessary modifications, the manner in which the comments have, or where relevant have not, been addressed in the proposed policy.
- 2.2 That the Council agrees and adopts, with any necessary modifications, the proposed statement of licensing policy, as set out in **Appendix B**, and confirms that the policy will take effect from 1 April 2014 and instructs the Head of Public Protection to publish the policy on the Council's website.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The preparation and publishing of the statement of licensing policy is a legal requirement under the Licensing Act 2003 (the Act).
- 3.2 If the Council fails to prepare, publish and adopt the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by publishing the statement of policy, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the

manner by which the Council intends to exercise its functions and the level at which applications will be dealt with.

- 3.3** An Equalities Impact Needs Assessment has not been undertaken in relation to the proposed policy. This is on the basis that the proposed new policy is substantially based on the present policy that was adopted when Shropshire Council was formed in 2009 and it continues to be in line with requirements of the Act and with guidance issued by the Home Office.
- 3.4** There is no anticipated environmental impact associated with the recommendations in this report.
- 3.5** The recommendations are not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with relevant legal procedures prescribed by the Act and with guidance issued by the Home Office.
- 3.6** The Act requires the Council to consider any comments received during the consultation period and then to adopt the statement of licensing policy; this is the basis of the report's recommendations. Details of the parties who responded to the consultation, together with their comments are listed at **Appendix A**. A list of all the parties that were consulted is contained within the proposed policy at page 45 of **Appendix B**. The consultation process followed best practice guidance, as set out by the Department for Business, Innovation and Skills, including allowing twelve weeks from 29 July 2013 to 20 October 2013 to receive responses to the consultation.

4. Financial Implications

- 4.1** The financial implications associated with the recommendations are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the statement of licensing policy.

5. Background

- 5.1** The Council has responsibility for determining the Council's statement of licensing policy. It is specifically not the responsibility of the Cabinet.
- 5.2** There are no defined legal procedures that must be adhered to by the Council prior to the statement of policy taking effect; other than to ensure the statement of policy is the subject of consultation and is published. The Council may determine the most appropriate means by which to achieve this.

6. Additional Information

- 6.1** Unless there are specific reasons for an earlier review and publication of a revised statement of policy, the Council will be required to undertake the next consultation process under the Act during 2018 with the aim of a revised statement of policy being effective from 1 April 2019.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>The Licensing Act 2003 - 2003 Chapter 17. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 - SI 2000/2853. Home Office Amended Guidance Issued Under Section 182 of the Licensing Act 2003 – October 2012. Shropshire Council Statement of Policy – Licensing Act 2003 – 1 April 2009. Report to Council on 18 July 2013 : Statement of Licensing Policy – Licensing Act 2003.</p>
<p>Cabinet Member (Portfolio Holder) Councillor Steve Charmley.</p>
<p>Local Member Not applicable.</p>
<p>Appendices</p> <p>Appendix A – Comments received during the consultation period in respect of the proposed Shropshire Council Statement of Licensing Policy for 2014 to 2019.</p> <p>Appendix B – Proposed Shropshire Council Statement of Licensing Policy.</p>