

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FULL COUNCIL	14 DECEMBER 2015	14

REVIEW OF STATEMENT OF LICENSING POLICY

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

S5 of the Licensing Act 2003 requires the Licensing Authority to determine and publish a statement of Licensing Policy for a 5 year period to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, public entertainment and late night refreshment in the Borough.

The current Statement of Licensing Policy must be re-considered by the 7th January 2016 and as such, the purpose of this Report is to inform Members of the consultation process undertaken and the amendments to the current policy.

RECOMMENDATION

The revised Statement has been drafted taking into account changes in the legislation and has been widely consulted upon. It is therefore requested that the Full Council adopt the revised Policy.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The current Statement of Licensing Policy was adopted by Full Council on the 22nd November 2010.

REPORT

1. The Licensing Act 2003 requires the licensing authority (Fylde Borough Council) to prepare a statement of licensing policy every five years.
2. The Authority's current Statement of Licensing Policy was approved by Council on 22nd November 2010 and came into effect on the 7 January 2011.
3. A Statement of Licensing Policy provides a local framework for decision making when considering applications for a licence or variation to a licence. The Licensing Committee and its licensing panels are required to have due regard to this policy when making a decision upon an application.
4. As required by the legislation, and in accordance with the guidance issued by the Secretary of State, we are now required to prepare a Statement of Licensing Policy for a further five year period. This revised policy must be in force with effect from the 7 January 2016 until 6 January 2021.
5. A revised version of the statutory guidance, issued by the Secretary of State, following consultation with a wide range of stakeholders including local authorities, the police, and industry and interest groups was published in May 2015. The revised licensing policy therefore reflects the recent changes to guidance.
6. Before finalising and implementing its policy, the Council must consult with those who may be affected by it. Accordingly, the views on what should be included in the statement of licensing policy have been sought from a wide range of both statutory and non-statutory consultees including:-
 - Lancashire Constabulary
 - Lancashire County Fire and Rescue Service
 - Representatives of the licensed trade
 - Existing licence holders (including local late night take – away food premises)
 - Representatives of business and residents associations in the Borough
 - Representatives of local and national retail and catering chains
 - Fylde councillors and Member of Parliament
 - Local town & parish councils
 - Fylde Community Safety Partnership
 - Local and national licensing solicitors
 - The Area Child Protection Committee
 - Drug Action Team
 - Alcohol Concern
 - Public Health
 - Blackpool, Fylde and Wyre Hospitals NHS Trust
 - Equity
 - Other interested parties

7. In total well over 300 organisations and interested parties were consulted with a small number of responses received. Those responses and a summary of the comments and any suggested amendments are detailed at appendix 3.
8. This document recognises that the licensed leisure and entertainment industry is important to the social and economic life of the area, and seeks to establish sensible controls and appropriate guidance to help prevent and deal with anti-social problems which can arise from licensed activities. It takes account of the new and revised statutory guidance, together with the experiences of the Council, as Licensing Authority, over the last five years.
9. The Licensing Committee at its meeting of the 27th November 2015 recommended the Policy to Full Council and it is therefore requested that the Full Council consider and adopt the revised Statement of Licensing Policy from the 7th January 2016

IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility to administer the alcohol and entertainment licensing system.
Community Safety	Views of community safety partners are incorporated into the policy.
Human Rights and Equalities	No direct implications arising from the report or policy
Sustainability and Environmental Impact	A balanced approach to regulating the licensed trade as part of a sustainable community is promoted through the policy.
Health & Safety and Risk Management	No direct implications arising from the report or policy. Those arising from enforcement activity will be managed operationally.

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Draft Statement of Licensing Policy 2016 - 2021	November 2015	http://www.fylde.gov.uk/business/licensing/consultation-council-39-s-proposed-revised-statement/

Attached documents

1. Statement of Licensing Policy
2. Key Messages
3. Summary of Responses as at 16/11/15