

### Proposed Changes to the Current Licensing Act 2003 Policy

#### Report of the Licensing Officer

**Key Decision: No**

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#### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek the views of the Licensing Committee with regard to amendments to the Council's draft statement of Licensing Policy, which was agreed in January 2016, prior to its submission to Full Council for approval (see Appendix A).

#### **2.0 RECOMMENDATION**

THAT

- 2.1 The Committee approves the amendments to the Statement of Licensing Policy and recommends the Statement of Licensing Policy be submitted to Full Council for approval.

#### **3.0 SUMMARY**

- 3.1 The Licensing Act 2003 requires Havant Borough Council (as the licensing authority) to publish its statement of licensing policy every five years. When drafting the policy, the Council is required to consult certain persons and groups of persons in the area, namely;
- a) The Chief Officer of Police for the area
  - b) The Fire and Rescue authority for the area
  - c) Persons / bodies representative of local holders of premises licences or club premises certificate
  - d) Persons / bodies representative of local holders of personal licences
  - e) Persons / bodies representative of businesses and residents in its area
  - f) Any other bodies the Licensing Authority deems appropriate.
- 3.2 The draft Statement of Licensing Policy was issued by Havant Borough Council and whilst during consultation we received no formal objections, we did welcome comments from the Fire Service and Trading Standards which have prompted the amendments.

- 3.3 The Fire Service commented that the policy did not show how different 'safe' and 'permitted' capacity numbers (see Appendix B) permitted by different authorities will be agreed and acted upon if they differ from each other. **Therefore an addition at 13.17 is proposed: 'In a case where different Responsible Authorities permit different 'safe' or 'permitted' capacity numbers for a premises, the Licensing Authority will consider the recommendations and make a determination as appropriate to the Licensing Objectives in each case.'**
- 3.4 Trading Standards informed that Accredited Community Support Officers (ASCOs) do not exist as they were disbanded, **therefore an amendment at 6.12.1 is proposed to replace 'Accredited Community Support Officer (ACSOs)' to 'Accredited Person (APs)'.**

### **3 IMPLICATIONS**

#### *Financial*

- 4.1 None arising directly from this item

#### *Legal*

- 4.2 As set out in paragraph 3.1 and 3.2 above

#### *Strategy (Community and Corporate)*

- 4.3 None arising directly from this item

#### *Equalities/Customers*

- 4.4 None arising directly from this item

#### *Risk*

- 4.5 None arising directly from this item

#### *Communications/Public Relations*

- 4.6 As set out in paragraphs 3.2 and 3.4 above

#### **Appendices:**

**Appendix A** - Havant Borough Council – Licensing Act 2003 – Statement of Licensing Policy – January 2016

**Appendix B** - extract of s182 Licensing Act 2003 Guidance regarding capacity numbers.

#### **Background papers:**

Nil

Agreed and Signed off by Legal Services:

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