

REPORT OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Introduction

1. The purpose of this report is to seek approval to the revised Statement of Licensing Policy.

Background

2. Section 5 of the Licensing Act 2003 requires the licensing authority to determine and publish its Statement of Licensing Policy every five years.
3. The current Statement of Licensing Policy has been in effect since July 2015.
4. The legislation allows special policies regarding cumulative impact to be included within the Statement of Licensing Policy. The effect of a special policy is to create a rebuttable presumption that licence applications likely to add to the cumulative impact in a specified area will normally be refused, subject to representations being made
5. Following the previous review of the Statement of Licensing Policy, officers carried out consultations with regard to proposed new Special Policy (cumulative impact) areas, namely:
 - Erdington
 - Digbeth and
 - John Bright Street
6. On 19th October 2016, the Licensing and Public Protection Committee considered evidence received as a result of the consultation concerning the proposed special policies.
7. Approval was given by the Licensing and Public Protection Committee to the proposal for special policies as follows:
 - Erdington:
 - Digbeth:
8. The proposal relating to John Bright Street was not approved.

Responsible Authorities:

9. The Statement of Licensing Policy also lists those agencies who are considered to be Responsible Authorities under the Act. Whilst many are directly specified in the legislation, there is also the following reference:

“a body which: (i) represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and (ii) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;”

10. Originally this function was assigned to the Birmingham Safeguarding Children Board, and subsequently Public Health. It has now been agreed that this function will be carried out by Children's Services, and the policy has been amended to reflect this amendment.

Amendments to the Policy Document

11. A new paragraph has been included within the document as follows:

'Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance) will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.'

Amendments or reviews of the Policy itself must be approved by City Council.'

12. This is to ensure the Policy document is able to be updated as soon as is reasonably possible should any technical amendments become necessary. Examples of when this may be appropriate would be, should the Home Office issue revised Guidance under s182 of the Licensing Act 2003; should any licensable activity be removed from scope or should any contact details for Responsible Authorities change. No matters of Policy will be altered in this way.
13. It is proposed these amendments will take effect 1st January 2017.

MOTION

That the City Council approves the revised Statement of Licensing Policy and authorises:-

- (i) the Interim City Solicitor to update the list of Policy Framework Plans to include the same; and
- (ii) the Director of Regulation and Enforcement to do what is necessary to publish and comply with the same.