
**THE LICENSING ACT 2003 – THE REVISED LICENSING POLICY FOR THE
BOROUGH OF DARLINGTON**

Responsible Cabinet Member - Councillor Chris McEwan
Economy and Regeneration Portfolio

Responsible Director – Ian Williams, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To invite Members to approve the final draft of the Council's revised Licensing Policy document (see **Appendix 2**), which is due to be published, in accordance with statutory requirements, on 7 January 2016.

Summary

2. This report seeks Members approval of the revision of the Council's Licensing Policy. The revised Policy reflects changes in the licensing legislation including the role of health as a Responsible Authority and provides additional guidance for applicants. The Council has a statutory duty to revise and publish its Licensing Policy at least every 5 years and the Policy was last published on 7 January 2011.

Recommendation

3. Council is requested to approve the final draft of the Licensing Policy for publication on 7 January 2016.

Reasons:-

4. To meet the legislative requirements required by virtue of paragraph 5 of the Licensing Act 2003 ("the 2003 Act").

Ian Williams
Director of Economic Growth

Background Papers

- (i) The Licensing Act 2003
- (ii) The Revised Guidance issued (March 2015) under Section 182 of the Licensing Act 2003
- (iii) The Council's Licensing Policy January 2011

Pam Ross : Extension 5988

S17 Crime and Disorder	One of the 4 licensing objectives is the prevention of crime and disorder.
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact	There are no carbon impact implications in this report
Diversity	N/A
Wards Affected	The proposals affects all Wards
Groups Affected	N/A
Budget and Policy Framework	This report represents a change to Policy
Key Decision	The proposals do represent a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	N/A
Efficiency	The Policy has a life of 5 years unless there are any major changes to legislation

MAIN REPORT

Background

5. The Licensing Act 2003, which transferred liquor licensing from the Magistrates to Local Authorities, requires all Local Authorities to prepare, consult on and publish a Licensing Policy. The initial policy document was approved by Council on 6 January 2005 and published on 7 January 2005. It was last revised in November 2010 and published on 07 January 2011. This Policy is a "living document" which must be statutorily reviewed at least every 5 years and has therefore been subject to a further review during the summer of 2015.

Information and Analysis

6. The Licensing Policy provides information and guidance to applicants and local residents on the Council's approach to the licensing of people and venues in respect of the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The policy also forms part of the Licensing Committee's decision making process when sitting as a sub-committee to determine contested applications for and reviews of licences.
7. No changes have been proposed to the actual policy in respect of dealing with applications, however there have been some considerable legislative changes since the policy was last reviewed in 2010. These include the introduction of late night levy, early morning restriction orders, the potential introduction of community and ancillary sellers, the inclusion of both Health and the Licensing Authority as Responsible Authorities, changes to Temporary Events Notices (TENs) and some specific changes to the licensing process e.g. the change from a 10 year to an indefinite licence for personal licence holders. Information in respect of each of these changes has been incorporated into the policy document and is shown in italics.

Outcome of Consultation

8. In accordance with the statutory requirements a widespread consultation exercise has been undertaken which has included licence holders, Responsible Authorities, Trade and Residents Associations, licensing Solicitors and neighbouring local authorities. All Darlington Borough Councillors have been included in the consultation and the draft policy has also been made available on the Council's website. The 12 week period for consultation ended on 30 September 2015. Only one response was received from Poppleston Allan Solicitors on behalf of one of their premises licence holders. This response has been reproduced in full at **Appendix 1** along with officer comments to each point raised.
9. On 27 October 2015 the revised Policy was also considered and supported by the Council's Licensing Act Committee.

Conclusion

11. The Licensing Act 2003 requires that the Council's Licensing Policy is reviewed at least every 5 years. The revision of the policy has been undertaken in accordance with the legislative requirements placed on the Council and must be published no later than 7 January 2016.