



PAPER D

Purpose: For Decision

Committee report

Committee	FULL COUNCIL
Date	16 JANUARY 2019
Title	ADOPTION OF THE REVISED POLICY STATEMENT OF LICENSING POLICY UNDER SECTION 5 OF THE LICENSING ACT 2003
Report of	CABINET MEMBER FOR COMMUNITY SAFETY & PUBLIC PROTECTION

EXECUTIVE SUMMARY

1. This report recommends the adoption of the authority's draft revised Statement of Licensing Policy (Appendix A).
2. If adopted, the policy will remain in place for a period of five years from 31 January 2019.

BACKGROUND

3. Under Section 5 of the Licensing Act 2003, a licensing authority is required every five years to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of the principles it proposes to apply.
4. Before determining its policy for a five-year period, the licensing authority must consult various persons and public bodies as stated in the Act.
5. The previous policy ran for five years from January 2014 to January 2019.

STRATEGIC CONTEXT

6. This is a statutory function required by Section 5 of the Licensing Act 2003. The Statement of Licensing Policy is in accordance with the council's corporate priorities of 'delivering economic growth and prosperity', and 'protecting our community'.

CONSULTATION

7. A three-week consultation period commenced on 8 November 2018 and ended on 30 November 2018.
8. Those who were consulted included:
 - Isle of Wight Member of Parliament
 - All IW Council Members
 - Town and Parish Councils
 - Responsible Authorities listed in the Act
 - Bodies representing the interests of persons carrying on businesses in the licensed trade
 - Bodies representing the interests of persons likely to be affected by the exercise of the authority's functions

A comment was received from Ryde Town Council that where plastic or polycarbonate glassware is used it should be reusable or recyclable. This cannot be made policy, however, the licensing team's 'Guidance for Applicants' document has been updated to reflect this as being good practice.

No other comments were received.

FINANCIAL / BUDGET IMPLICATIONS

9. Council expenditure on licensing matters is balanced by income generated from fees. Some fees are set by the council and represent the costs of administration and enforcement of licences and permits. Other fees are set by government.
10. Application fees are charged for all licences and permits under this legislation. Annual fees are charged where a premises licence and certain permits are in place, in accordance with the Act.

LEGAL IMPLICATIONS

11. The licensing authority is required to adopt a statement of licensing policy by virtue of Section 5 of the Licensing Act 2003. This policy is required by the same Act to be reviewed every five years. The policy must have regard to any statutory guidance issued by the Secretary of State.

EQUALITY AND DIVERSITY

12. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

OPTIONS

14. Option 1: To adopt the draft revised Statement of Licensing Policy 2019 – 2024, to come into effect from 31 January 2019.
- Option 2: To adopt the draft revised Statement of Licensing Policy, subject to any minor amendments proposed, if deemed necessary

RISK MANAGEMENT

15. With regard to Option 1: Should the Council adopt the draft policy, it will come into effect from 31 January 2019.
16. With regard to Option 2: Should the Council decide to amend the draft policy, further consultation may need to be carried out. This would delay the implementation of the new policy until such time as the required consultation had taken place, any further comment incorporated, and the new draft policy adopted. Not having a policy in place could cause difficulties in being able to defend decisions made.

EVALUATION

17. As there are no outstanding matters to be addressed, it is recommended that the draft revised policy should be adopted.

RECOMMENDATION

18. Option 1: To adopt the draft revised Statement of Licensing Policy 2019 – 2024, to come into effect from 31 January 2019.

APPENDICES ATTACHED

19. [Appendix A – Draft Isle of Wight Council Statement of Licensing Policy 2019 – 2024.](#)

BACKGROUND PAPERS

20. Statement of Licensing Policy 2014-2019

Contact Point: Kevin Winchcombe, Team Manager – Licensing and Business Support
☎ 823159 e-mail kevin.winchcombe@iow.gov.uk

