

**TO: LICENSING AND SAFETY COMMITTEE
11 JUNE 2015**

**REVIEW OF STATEMENT OF LICENSING POLICY
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the proposed timetable to review the Council's Statement of Licensing Policy ('SLP') under the Licensing Act 2003 as attached (Annex A).

2 RECOMMENDATION

2.1 That the Committee:

- i) **approves the proposed timetable as set out in paragraph 5.3; and**
- ii) **agrees the proposed consultee list at Annex B.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 Section 5 of the Licensing Act 2003 ('the Act') requires the licensing authority to prepare and publish a SLP every five years. The SLP outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the authority at any time.
- 3.2 The Bracknell Forest SLP must undergo a review and be re-published on 7 January 2016. The purpose of this report is to advise the Committee on a proposed timetable to ensure this legal requirement is met.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are no alternative options as the consultation and revision of the SLP are legal requirements.

5 SUPPORTING INFORMATION

- 5.1 Before determining the policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:

- The chief officer of police for the area
- The fire and rescue authority for the area
- Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates
- Persons or bodies representative of businesses and residents in its area

The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate.

- 5.2 In addition it is recommended that consultation should be in accordance with Government best practice, including allowing 12 weeks for responses to the

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consultation. Whilst this is not a legal requirement, a failure to consult in an appropriate manner could be grounds for a subsequent legal challenge to the SLP.

- 5.3 To enable the SLP to be reviewed and published in accordance with the legislation, the following timetable is recommended:

June 2015 - Sept 2015	Consultation period
8 October 2015	Report to Licensing and Safety Committee on the consultation with draft SLP for comment and approval
21 October 2015	Report to CMT on consultation responses received with draft SLP for comment and approval
17 November 2015	Report to Executive for approval to take draft SLP to Full Council
25 November 2015	Draft SLP to Full Council
7 January 2016	New SLP published and comes into force

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The list of proposed consultees is attached at Annex B but any person may comment on the consultation.

Method of Consultation

- 7.2 The consultation will take place via the Council's public consultation portal. Details of the consultation will be sent to those listed in Annex A via email.

Representations Received

- 7.3 Not applicable at this stage.

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Background Papers

Statement of Licensing Policy (January 2011)

Contact for further information

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