



Report No: Public Agenda Item: **Yes**

Title: **Licensing Act 2003 'Draft Statement of Principles 2016',  
(Licensing Policy)**

Wards Affected: **All**

To: **Licensing Committee** On: **30 July 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Mandy Guy**  
☎ Telephone: **01803 208124**  
✉ E.mail: **Mandy.guy@torbay.gov.uk**

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## **1. What we are trying to achieve**

- 1.1 To inform Members of the content of the draft 'Licensing Policy', (*hereinafter referred to as the 'Statement of Principles 2016'*), which Torbay Council is required to review and publish every five years.
- 1.2 To give Members the opportunity to comment on the draft 'Statement of Principles 2016' before it goes to a twelve week public consultation.

## **2. Recommendation(s) for decision**

- 2.1 There is no recommendation for a decision, as this is a Full Council function. At this stage the draft 'Statement of Principles 2016' is a draft consultation document, and so Representations made by the Licensing Committee will be considered as part of that consultation process.

## **3. Key points and reasons for recommendations**

- 3.1 The Licensing Act 2003 requires Torbay Council, as a Designated Licensing Authority, to review and publish a 'Statement of Principles', every five years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act.
- 3.2 In accordance with that requirement, the Council has prepared a draft 'Statement of Principles 2016'. This draft has undergone informal consultation with Devon

and Cornwall Police and the Licensing and Torbay Council's Public Protection Team. As Such, the amendments recommended by these Responsible Authorities have been included within the draft Statement of Principles 2016, along with those made by other relevant Officers of Torbay Council.

- 3.3 This draft 'Statement of Principles 2016' will be a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), must do so in writing.
- 3.4 Upon completion of the statutory consultation period, the Council will consider any Representations made and if necessary amend the draft 'Statement of Principles 2016' to incorporate the relevant changes.
- 3.5 Approval of the finalised 'Statement of Principles 2016' is a Full Council decision and a report on the draft 'Statement of Principles 2016' will be presented to Full Council for consideration on 10<sup>th</sup> December 2015.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes  
Assistant Director (Community and Customer Services)**

## **Appendix A – Supporting information to Report**

### **A1. Introduction and history**

- A1.1 The Licensing Act 2003 requires Torbay Council, as a Designated Licensing Authority, to review and publish a 'Statement of Principles' every five years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act. This is Torbay Council's fourth 'Statement of Principles' and will replace the existing 'Statement of Principles 2011', which expires on the 7<sup>th</sup> January 2016.
- A1.2 In accordance with this requirement, the Council has prepared a draft 'Statement of Principles 2016'. This draft has undergone informal consultation with Devon and Cornwall Police and Torbay Council's Licensing and Public Protection Team. As such, the amendments have been included within the draft Statement of Principles 2016, along with those made by other relevant Officers of Torbay Council.
- A1.3 To assist Members of the Licensing Committee, the proposed amendments to the existing 'Statement of Principles 2011' are highlighted as follows:
- red – delete
  - yellow – amendment/update
  - blue – additions from Devon and Cornwall Police and Torbay Council's Licensing and Public Protection Team.
- A1.4 The Police have requested that the Cumulative Impact Area remains unaltered as the number of violent crimes has increased and the area is responsible for a similar proportion of crime as in 2009 and 2010.
- A1.5 This draft 'Statement of Principles 2016' will be a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a representation or comment upon the draft statement (including Elected Members), will be formally invited to do so.
- A1.6 Upon completion of the statutory consultation period, the Council will consider any representations which may have been made and if necessary, amend the draft 'Statement of Principles 2016' to incorporate the relevant changes..
- A1.7 Approval of the finalised 'Statement of Principles 2016' is a Full Council decision and a report on the draft 'Statement of Principles 2016' will be presented to Full Council for consideration on 10<sup>th</sup> December 2015.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

There are no risks associated with this report, as this is a draft document for public consultation. However, it is important that a draft Statement of Principles amended or not, is agreed for consultation. Failure to do so would mean that Torbay Council would be unlikely to meet its statutory obligation and may find itself without a Licensing Policy which may subsequently lead to its decision

making process being undermined.

### **A3. Options**

A3.1 None, as only Representations can be made.

### **A4. Summary of resource implications**

A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Licensing Act 2003.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications. However one of the Licensing Act 2003 Licensing Objectives is "Prevention of Crime and Disorder", so the work should have a positive impact on reducing this.

### **A6. Consultation and Customer Focus**

A6.1 There is a 12 week public consultation on the draft 'Statement of Principles 2016', commencing in August, to end in October 2015.

### **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units relating to this report.

## **Annexes**

Appendix 1 Draft 'Statement of Principles 2016'

Appendix 2 Cumulative impact Area (CIA) Crime Analysis

**Documents available in members' rooms:** None, however all three background documents are available on line at the available websites.

- 1 [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 2 [www.torbay.gov.uk](http://www.torbay.gov.uk)
- 3 [www.dcms.gov.uk](http://www.dcms.gov.uk)

## **Background Papers:**

The following resources and documents were used to compile this report:

- 1 Licensing Act 2003.
- 2 Revised Guidance issued under section 182 of the Licensing Act 2003: March 2015.

3 Torbay Council Licensing Policy 2011 - 2016.