

Cherwell District Council

Licensing Committee

21 October 2013

Licensing Department Updates

Report of Head of Community Services

This report is public

Purpose of report

This report is to advise the Licensing Committee of current and future developments within the Licensing Department

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the report.

2.0 Introduction

- 2.1 The Licensing Department is responsible for regulating, administering and enforcing legislation for the Licensing Act 2003, Gambling Act 2005, Street Trading, Sex Establishment Venues and Hackney carriage and Private Hire Licensing. All of these areas have specific policies and procedures to follow in addition to legislative requirements to update such policies as regular intervals.

3.0 Report Details

3.1 The Licensing Act 2013

- 3.2 The Licensing Act 2003 requires the Licensing Authority to have a Statement of Licensing Policy setting out its policies in respect of this specific legislation.

- 3.3 The development and adoption of the Statement of Licensing Policy is a statutory requirement under the Licensing Act 2003. The function of approving the Statement and the subsequent reviews of it are the responsibility of the Licensing Committee in accordance with Cherwell District Councils Constitution and Scheme of Delegation.

- 3.4 A review of the policy is required every three years. A consultation on amendments to the policy to ensure it is inclusive of all recent legislative changes has just taken place. The consultation period as part of this review ended on 14 October 2013. At the time of writing this report, no responses had been received on the proposed amendments.
- 3.5 At the end of the consultation, all responses will be reviewed and a final draft of the policy will be put to the Licensing Committee for approval and/or amendment in December 2013.
- 3.6 The final policy will be published in January 2014.

3.7 The Licensing Act 2013

- 3.8 The Home Office is currently seeking opinions upon its approach to personal licences issued under the Act.
- 3.9 Current personal licences are issued for 10 years. 2015 will see the tenth anniversary of the Licensing Act 2003 being in force and could result in a large number of these licences being due for renewal.
- 3.10 The Home Office is seeking views on alternatives to the personal licence system and proposing that there will be no need for a national personal licence system and it will be down to local Licensing Authorities to determine their own requirements.
- 3.11 The full consultation can be viewed at:
<https://www.gov.uk/government/consultations/personal-alcohol-licences-enabling-targeted-local-alternatives>
- 3.12 Prior to the end of the consultation period, the Head of Community Services will be seeking to submit a response to the consultation after discussions with the Chairman of the Licensing Committee.
- 3.13 Should any members of the Licensing Committee wish to discuss these proposals in more detail, please contact Claire Bold, Licensing Team Leader.

3.14 Hackney Carriage and Private Hire Vehicle and Driver Licensing

- 3.15 The current policies in relation to the licensing of Hackney Carriage and Private Hire Licensing have been in place for five years.
- 3.16 The Law Commission is currently reviewing all legislation in relation to Hackney carriage and Private Hire Licensing with a view to possible legislative amendments. It is hoped that their comments will be published in January 2014.
- 3.17 The Licensing Department has also been contacted by the North Oxfordshire Hackney Association who has expressed concerns over some of the current requirements upon licence holders, in particular in relation to the age of vehicles permitted to be licensed.

- 3.18 Taking into account the period of time that the current policies have been in place for, the Law Commissions review and the requests of NOHA, the Licensing Department are proposing to undertake a review of its policies to coincide with the findings of the Law Commission.
- 3.19 A formal request to go to consultation will be put before the Licensing Committee towards the end of 2013/beginning of 2014.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This report is for information only.

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: No options – report is purely for information.

7.0 Implications

Financial and Resource Implications

- 7.1 None – report for information only. Should any of the actions outlined in the report being taken, full risk assessments will be carried out.

Comments checked by:

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Legal Implications

- 7.2 None – report for information only. Should any of the actions outlined in the report being taken, full risk assessments will be carried out.

Comments checked by:

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Wards Affected

All

Links to Corporate Plan and Policy Framework

Detailed in current Service Plan

Document Information

Appendix No	Title
N/A	None
Background Papers	
None	
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