

Extraordinary Shadow Executive (Cabinet)



Title of Report:	West Suffolk Statement of Licensing Policy 2019-2022	
Report No:	EXC/SA/19/002	
Report to and date:	Extraordinary Shadow Executive (Cabinet)	8 January 2019
	Shadow Council	15 January 2019
Shadow Executive Members/Portfolio holders:	Lance Stanbury FHDC Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	Susan Glossop SEBC Portfolio Holder for Planning and Growth Tel: 01284 728377 Email: susan.glossop@westsuffolk.gov.uk
Lead officer:	David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: david.collinson@westsuffolk.gov.uk	
Purpose of report:	To adopt the West Suffolk Statement of Licensing Policy as a combined document of the two existing aligned policies of Forest Heath and St Edmundsbury	
Recommendation:	<p>It is <u>RECOMMENDED</u> that subject to the approval of the Shadow Council:</p> <p>(1) the West Suffolk Statement of Licensing Policy 2019-2022, attached at Appendix A to Report No: EXC/SA/19/002, be adopted; and</p> <p>(2) the Cumulative Impact Assessments for Newmarket and Bury St Edmunds as contained within the West Suffolk Statement of Licensing Policy, be adopted.</p>	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:		Forest Heath and St Edmundsbury policies were consulted on before being adopted in 2018 and 2017 respectively. Key stakeholders have been alerted to the new West Suffolk policy	
Alternative option(s):			
Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input type="checkbox"/> •	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • This document sets out a consistent licensing policy for West Suffolk, including all legislative updates brought about since the St Edmundsbury policy was adopted in 2017 • Adoption of the West Suffolk policy does not represent a statutory review required every 5 years • The 2019-2022 lifetime reflects that of the current St Edmundsbury policy and will require a review before December 2022	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Confusion for licensees – adopting another statement of licensing policy very soon after the Forest Heath policy has been consulted on and reviewed may confuse those that must adhere to the policy	Medium	All stakeholders will be written to at least two weeks before the committee papers are published so explain why we need to adopt a separate West Suffolk policy	Low

Ward(s) affected:	All Wards
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	New statutory government guidance (April 2018): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
Documents attached:	Appendix A – draft West Suffolk Statement of Licensing Policy 2019-2022

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 All councils are required to have a Statement of Licensing Policy and update it at least every five years. Forest Heath's Statement of Licensing Policy was last renewed in December 2018; St Edmundsbury's was last updated in December 2017. The policy content of both documents is identical.
- 1.1.2 The Shadow Council needs to adopt a Statement of Licensing Policy for West Suffolk Council before 1 April 2019. The document attached at Appendix A contains the same wording as the Forest Heath and St Edmundsbury Council documents, but with the following changes:
- name of council
 - maps showing the area
 - statistics about the district
 - updated references to legislation and statutory guidance that has changed since the documents were adopted

1.2 Duration of the Policy

- 1.2.1 In order to abide by the requirement for Statements of Licensing Policy to be renewed every 5 years, West Suffolk Council will need to adopt a new policy by December 2022. This will be preceded by consultation, allowing consultees in St Edmundsbury the opportunity to give comments and feedback within 5 years of the previous policy covering the area being adopted.

1.3 Cumulative Impact Assessments

- 1.3.1 Under the revised guidance issued under s182 Licensing Act 2003, Cumulative Impact Assessments can only be published for 3 years. Para 14.38 on p113 of the guidance document states:

"As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation)."

- 1.3.2 The Bury St Edmunds Cumulative Impact Assessment was adopted in December 2017, and will therefore require renewal in December 2020.