

LICENSING ACT 2003 'Statement of Licensing Policy' (2015 revision)

Summary of revisions and reasons

1. Introduction

- General update on national position/context
- Local context update - being greater integration and links of this policy with strategic priorities and other functions/projects etc. in particular a greater commitment to *balance* – encouraging growth, start-ups, diversification etc. but with appropriate controls and encouraging 'well managed' venues

2. The Babergh District

- The local scene has been updated – especially reference to increased events and noting their value towards the local economy
- The numbers of licence types etc. will be updated for the draft that goes back to committee after the consultation.
- Further clarity around mediation referenced here and later in the document. Mainly to be clearer to partners that it is the LA discretion whether and how mediation occurs (and this is time sensitive)

3. Generally (rest of document)

- Removal of 'in the vicinity' references due to law changes. We now talk about *locality* and those directly affected by licensed premises being an each on merit consideration
- Again, enhanced references to balancing the rights of all involved with an interest
- Greater links expressed to our corporate strategic priorities
- Stronger emphasis on collaboration and transparency
- Clarification about what is generally within the direct control of the licensee and their staff, and the need to demonstrate a 'causal link' to specific premises if problems in a particular locality
- Revisions consequential to regulatory reform around entertainment (de-regulatory)
- Updates to 'other legislation' especially updating around the Anti-social Behaviour, Crime and Policing Act 2014 which now overrides section 160/161 of the LA2003 in relation to closure orders, and gives the LA powers as well as the Police (and up to 48hr closure via a closure *notice* – used to be 24hr limit)
- References about 'necessary' to promote licensing objectives changed to 'appropriate' following legislative reform
- Strengthening corporate recognition of the positive effect of leisure businesses and events, and cultural activities, to the local economy and communities. This serves to also demonstrate to Applicants, communities and responsible authorities (RAs) the wider context in which the LA operates.
- Strengthening the links to Economic Development (better intelligence sharing, local skills, business engagement and relationship management etc.)

- Clarification around planning relationship and a commitment to join-up better, where viable
- Added reference to Early Morning Alcohol Restriction Orders (EMROs) – new area via legislative reform. Context in which we will evidence and consider. Unlikely to be used in our district due to limited NTE (same as for late night levy).
- Reference that representations about *new* premises may be speculative/probative and thus weighted accordingly. Also a reference to providing ‘supportive evidence’.
- ‘Interested party’ references updated to ‘other persons’ due to legislative reform
- Stronger references to scheme of delegation (to future-proof and aid any challenges via the courts)
- Much clearer reference to mediation process, to support our working with RAs including the Police. References to encourage pre-application discussions and also referencing to the delegation for the LA acting as RA (and that separate protocol exists for transparency/any challenge)
- Updated references regarding mandatory conditions – regulatory reform changes
- Various references to the optional guidance/self-help we provide so as to help reduce applicant’s costs and increase the quality of applications at the point we receive them (aiding our resources later, and demonstrating our ‘open for business’ approach). Also supports our work as an ‘active partner’ aiding compliance support and stepped approach methodology (including Regulators’ Code)
- Greater reference to onward rights of appeal and clarifying that we advise appeal rights in writing with decisions taken
- Enforcement section has been updated in consultation with the Corporate Manager – Environmental Protection. This references our corporate enforcement policy and Regulators’ Code. This update is important to identify to partner agencies the LAs expectations and clarifies key issues that may arise when working with other enforcing authorities including Police and Trading Standards.
- Clarity around the section 168 differences applying to review decisions following closure order (i.e. they can take immediate effect when usually stayed by appeal process)
- We have updated all control suggestions so as greater clarity, and consistency, for applicants about the LA’s expectations. Also this serves to inform other RAs including Police, and enhances the (statutory) Statement of Policy as a reference point for all stakeholders.
- Update regarding Suffolk Safeguarding Children Board being recognised by the LA as the ‘competent body’ for local child protection issues
- Reference to engaging with the Safety Advisory Group (SAG) for larger scale public outdoor events, where the scheme is operational
- Updated reference to TENs being open to EHO consultation not just Police, and promoting early application. We are deliberately not referencing the ‘late’ TENs process as that is risky for the applicant and should be an ‘emergency’ provision only, not normal practice

Corporate Manager – Licensing

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