



Report for:	Council
Date of meeting:	18 November 2020
Part:	I
If Part II, reason:	

Title of report:	<b>Review of Statement of Licensing Policy - Licensing Act 2003</b>
Contact:	<i>Referral from Licensing and Health &amp; Safety Enforcement Committee</i> Author/Responsible Officer: Nathan March – Licensing Team Leader (Corporate and Contracted Services) Farida Hussain – General Manager (Corporate and Contracted Services)
Purpose of report:	To receive a report on a matter referred from the Licensing and Health and Safety Enforcement Committee, concerning the adoption of revised statutory licensing policy statement in respect of alcohol and entertainment.
Recommendations	That Council adopts and publishes in accordance with statutory requirements:- The attached draft Statement of Licensing Policy as the Council's 'Statement of Licensing Policy' for the five-year period from 7 January 2021 to 6 January 2026
Corporate Objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Delivering an efficient and modern council</li> </ul>

Implications:	<u>Financial</u> None identified.
'Value For Money Implications'	<u>Value for Money</u> None identified.
Risk Implications	Adoption of revised policy statements is a statutory requirement, and failure to correctly fulfil that requirement may have adverse legal and reputational consequences. All pre-requisite actions to the adoption of policies have been fulfilled, and if adoption is agreed officers will ensure that necessary actions are taken to publish and disseminate the revised policies, in accordance with statutory requirements.
Community Impact Assessment	A Community Impact Assessment has been carried out and no adverse implications have been identified arising from this report.
Health And Safety Implications	None identified
Monitoring Officer/Deputy S.151 Officer Comments	<b>Deputy Monitoring Officer:</b> The Licensing Act 2003 places a legal duty on the Council to create a Statement of Licensing Policy every 5 years. The recommendations in this report satisfies the statutory requirements.  <b>Deputy S.151 Officer</b> All Council activities carried out under the remit of the updated Statement of Licensing Policy will be delivered under existing approved budget provision.
Consultees:	Public consultation was carried out over an 8-week period in August and September 2020; the results were reported to the Licensing and Health and Safety Enforcement Committee on the 28 October 2020 and the changes requested were incorporated during the preparation of the final draft policy statements.
Background papers:	Draft Statement of Licensing Policy 2021-2026  Review of statement of licensing policy - licensing act 2003 report - presented at Licensing and Health and safety Enforcement Committee on 28 October 2020
Glossary of acronyms and any other abbreviations used in this report:	

## Background

1. The licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003 is one of the most significant regulatory regimes under which the Council has statutory responsibilities.

2. The Act requires licensing authorities (district councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them; the principles that they will follow, and their expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
3. The Council's licensing officers, in conjunction with the Licensing and Health and Safety Enforcement Committee ('the Licensing Committee'), have reviewed the Council's current policy statement over the past few months, and prepared a revised version. In the course of this work, public consultation was carried out on the proposed revisions in August and September, with feedback in particular sought from the agencies and representatives stipulated in the Act. The results of the public consultation were reported to the Licensing Committee on 28 October 2020.
4. The draft policy statement under the Act has been amended to reflect changes in recent years to both pieces of primary legislation, significant case law, and the experiences of the Council as licensing authority in carrying out its functions. The aim is to provide clear and concise documents summarising the aims and expectations of the Council as licensing authority, and to guide the exercise of delegated powers by both officers and members of the Licensing Sub-Committees when they determine actual licensing applications under both Acts.
5. Following the consultation, suggested amendments were incorporated into the draft policy for the Licensing and Health and Safety Enforcement Committee to consider prior to endorsing the policy. These amendments were all agreed and one addition was also requested which was incorporated and confirmed to be sufficient with the Chair of the meeting prior to this referral to Council.
6. The Licensing and Health and Safety Enforcement Committee resolved to endorse the draft policy statement and recommend them to Council for approval and adoption. The power to approve and adopt new or revised policies must be exercised by full Council, and cannot be delegated to a committee or officers.

### **Recommendations**

7. That Council adopts and publishes in accordance with statutory requirements:-
  - (1) The attached draft Statement of Licensing Policy as the Council's 'Statement of Licensing Policy' under section 5 of the Licensing Act 2003 for the five-year period from 7 January 2021 to 6 January 2026.