

AGENDA ITEM NO. 5

TITLE: LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION

COMMITTEE: LICENSING COMMITTEE

DATE: 24 JUNE 2020

AUTHOR: SENIOR LICENSING OFFICER

[V24]

1.0 ISSUE

1.1 To approve the draft revised version of the Council's Statement of Licensing Policy.

2.0 RECOMMENDATION(S)

2.1 That Members approve the draft version of the Statement of Licensing Policy at **Appendix 1**.

2.2 That Members agree to a statutory public consultation taking place on the draft Statement of Licensing Policy from 27 June 2020 to 14 August 2020 in accordance with the Licensing Act 2003.

3.0 BACKGROUND

3.1 The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

- a. The prevention of crime and disorder
- b. Public safety
- c. The prevention of public nuisance
- d. The protection of children from harm

3.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act.

3.3 During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.

3.4 The Guidance issued under the Licensing Act states that before determining its policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire authority for the area;
- persons/bodies representative of premises licences issued by the Council;
- persons/bodies representative of club premises certificates issued by the Council;
- persons/bodies representative of personal licences issued by the Council; and
- persons/bodies representative of businesses and residents in its area.

3.5 The policy must be approved by full Council prior to its coming into force on 7 January 2021.

3.6 The current policy has been in force since 7 January 2016 and it has proved to be very satisfactory at guiding applicants, officers, and more importantly, the Licensing Committee, in the consideration and determination of applications. Due to this it has not been seen as necessary to make major changes to the policy at this point in time, and therefore, the changes are based around reflecting a number of legislative changes that have occurred since 7 January 2016. The following table highlights these changes:

Key Changes

Paragraph	Explanation
1.2	Updated wording on Committee Structure
1.11	Removal of unnecessary wording
1.17	Addition of Data Protection Act 2018 and GDPR references
1.26	Tidying up of wording regarding rights of appeal
1.45	Addition of wording to convey the correct definition
1.52	Addition of wording for clarification
1.57	Addition of wording to reflect the new Sub-Committee rights to add conditions to TEN's
1.63	Addition of wording to clarify the LA's rights to amend the wording of conditions
1.73	Reflecting the new statutory standing of Cumulative Impact Policies
1.99	Reflecting the new paid for licensing advice service
7.3	Removal of unnecessary wording
7.4	Addition of wording to clarify point.

3.7 The Statement of Licensing Policy attached at Appendix 1 has been drafted in line with the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 issued in April 2018.

3.8 The results of the consultation exercise will be brought back to Licensing Committee on 9 September 2020 and then referred to Council on 22 October 2020 for approval to come into force on 7 January 2021.

4.0 CONCLUSIONS

4.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies.

4.2 Guidance to Licensing Authorities, issued under Section 182 of the Licensing Act 2003 by the Home Office specifies the scope and content of the Statement of Licensing Policy.

4.3 The attached Draft Statement of Licensing Policy at Appendix 1 is in line with these requirements.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no cost implications over and above the normal costs of administering the 2003 Act.

5.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

5.3 A Carbon Impact Assessment (CIA) has been completed showing there is no adverse impact on Council carbon emission levels if Members follow the Officer recommendations.

6.0 APPENDICES

6.1 Appendix 1 Proposed Draft Statement of Licensing Policy

6.2 Appendix 2 Equality Impact Assessment (EIA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
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The Licensing Act 2003	Room SF208	Stewart Broome
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Revised Guidance issued under Section 182 of the Licensing Act 2003, April 2018	The Grange, Ely	Senior Licensing Officer (01353) 616477
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