


Licensing Committee

30 September 2020

Item

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Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Statement of Licensing Policy // Approval for Consultation Purposes		 282840
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The report seeks the Licensing Committee's approval of the draft Statement of Licensing Policy to enable the formal consultation process to take place.

2. Recommended Decisions

- 2.2 That the draft Statement of Licensing Policy be approved for consultation purposes.

3. Reason for Recommended Decision

- 3.1 Under the Licensing Act 2003, the Council needs to review and readopt a Statement of Licensing Policy every five years.

4. Alternative Options

- 4.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with the current Licensing Act 2003 legislation.

5. Supporting Information

- 5.1 The draft Policy is attached at Appendix 1 and the major revisions are highlighted in bold.

6. The Consultation Process

- 6.1 In drafting this Policy, particular reference has been made to the Section 182 Guidance issued under the Act by the Home Office, as amended.
- 6.2 If Members agree to the draft policy as proposed by this report the Council must consult with the following:
- (a) the chief officer of police for the area,
 - (b) the fire and rescue authority for the area,
 - (c) each local authority's director of public health,
 - (d) persons/bodies representative of local premises licence holders,
 - (e) persons/bodies representative of local club premises certificate holders,
 - (f) persons/bodies representative of local personal licence holders, and
 - (g) persons/bodies representative of businesses and residents in its area.
- 6.3 Invitations to comment on the Policy will also be sent to all other responsible authorities, representatives of businesses, Ward Councillors and Town and Parish Councils. A copy of the Policy will be available for viewing and to download via a link on the Council's web site.
- 6.4 The consultation period will run from 1 October to 31 October 2020. The matter will then be brought back to the Committee before being placed before full Council in December.

7. Strategic Plan References

- 7.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

8. Consultation

- 8.1 The consultation will be undertaken in line with the methods and consultees that are detailed in paragraphs 5.2 to 5.5 of this report.

9. Publicity Considerations

- 9.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of a public consultation and the Policy itself will be available to view and download from the Council's website.

10. Financial Implications

- 10.1 There may also be costs incurred in defending any action brought against the Council which might seek to challenge the Statement of Licensing Policy by way of a judicial review which is why it is essential that the Policy must be scrutinised by Counsel in order to ensure that it is robust and fully compliant with the law and national Section 182 Guidance as issued by the Home Office.

11. Equality, Diversity and Human Rights Implications

- 11.1 The draft revised Statement of Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

12. Community Safety Implications

- 12.1 The Licensing Policy is a key part of the controls on the sale of alcohol and as such it will contribute towards improving overall community safety.

13. Health and Safety Implications

- 13.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Licensing Policy. Act 2003.

14. Risk Management Implications

- 14.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.

15. Environmental and Sustainability References

- 15.1 There are no known environmental and sustainability considerations arising from the adoption of the revised Policy.