

LICENSING COMMITTEE: 10 September 2020

Report of the Head of Regulatory Services

LICENSING ACT 2003 – REVIEW OF THE STATEMENT OF LICENSING POLICY

1. Background

- 1.1 Under section 5 of the Licensing Act 2003 each licensing authority must produce a Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions. This policy should outline the licensing authority's approach to licence applications and the processes used to address any issues associated with such applications.
- 1.2 The SLP is required to be reviewed on a 5 year basis in consultation with:
- Chief Officer of Police for the area;
 - Fire and Rescue Authority for the area;
 - Local Health Board in Wales for an area any part of which is in the licensing authority's area;
 - Persons/bodies representative of local premises licence holders;
 - Persons/bodies representative of local club premises certificate holders;
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.
- 1.3 The SLP was last revised in 2016 and is due to be renewed in January 2022. However the Policing and Crime Act 2017 introduced 'Cumulative impact assessments (CIAs)' into the Licensing Act 2003, with commencement from April 2018. The CIA should be published as a separate document, but is summarised in the Council's Statement of licensing policy.
- 1.4 The revised Home Office Guidance issued under Section 182 of the Licensing Act requires that CIAs are reviewed every 3 years. Due to these changes it is necessary to review the Council's current Statement of Licensing Act Policy (SLP) and publish a separate CIA.
- 1.5 At its meeting of 3 September 2019 the Licensing Committee resolved to approve the draft SLP and CIA with those consultees listed in 1.2 above.

2. Public Consultation on the Statement of Licensing Policy.

- 2.1 A draft of the reviewed SLP and CIA was published for public comment during the period 4 November 2019 to 24 December 2019 for members of the public, trade and businesses to make observations on the revised version.
- 2.2 The revised Statement of Licensing Policy and Cumulative Impact Assessment has been amended to reflect the views of consultees and is attached as Appendix A and Appendix B. Details of the comments received and amendments made as a result of the consultation exercise are contained in Appendix C.

3. Achievability

- 3.1 This report contains no equality personnel or property implications.

4. Legal Implications

- 4.1 Section 5 of the Licensing Act 2003 places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy every five years. The Council is required to approve the SLP for publication.
- 4.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

5. Financial Implications

- 5.1 This report does not result in any additional financial implications and can be achieved within existing budget provision.

6. Recommendation

- 6.1 It is recommended that Committee commend the amended Statement of Licensing Policy to the Council for approval prior to its publication.

Dave Holland
HEAD OF REGULATORY SERVICES

10 August 2020

This report has been prepared in accordance with procedures approved by Corporate Managers.
Background Papers:

- Section 182 Guidance Licensing Act 2003
- [Licensing Committee Report 3 September 2019 - Review of the Statement of Licensing Policy and Cumulative Impact Assessment](#)