

Meeting:	Licensing and Enforcement Committee	Date: 8 th September 2020
Subject:	Licensing Act 2003 – Revised Licensing Policy Statement	
Report Of:	Head of Place	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: Yes
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Appendices:	Appendix 1 – Draft Licensing Policy Statement	

FOR GENERAL RELEASE

1.0 Purpose of Report

To present the draft revised Licensing Policy Statement for approval by the Licensing & Enforcement Committee for consultation.

2.0 Recommendations

2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the draft Licensing Act 2003 Statement of Licensing Policy for the period 2021-2026 for the purposes of public consultation over an eight week period.

3.0 Background and Key Issues

3.1 The Council is the Licensing Authority for the purposes of the Licensing Act 2003.

3.2 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years.

3.3 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect in 2016.

3.4 The revised policy contains a number of amendments and additional sections that have been made to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy.

3.5 The changes that have been made are shown in red within the document at **Appendix 1** and the more significant changes that have been made are also summarised below.

- 3.6 New sections have been included providing information on how the Council will deal with applications for personal licences and how it will deal with situations where it is considering suspending or revoking personal licences. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.7 A new section has also been included providing information in relation to the local powers to deregulate the licensing of late night refreshment Establishments under the Deregulation Act 2015. The Council has no plans at this time to exempt late night refreshment licensing based on designated locations, premises types and times.
- 3.8 A new section has been included to explain the implications of the Immigration Act 2016 on the exercise of the Council's functions under the Licensing Act 2003.
- 3.9 Consultation on the revised draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of Gloucestershire Police
 - Gloucestershire Fire and Rescue Services
 - Gloucestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - The general public
- 3.10 The consultation will also be made available for comment via the Council's website and publicised via social media. Given the number of changes being proposed to the Council's existing Statement of Licensing Policy, it is proposed that consultation will take place over a period of eight weeks.
- 3.11 Any responses received during the consultation exercise will be reported back to the Licensing and Enforcement Committee in December 2020.

4.0 Social Value Considerations

- 4.1 The Policy aims to provide clarity to applicants, interested parties and Responsible Authorities on how the Licensing Authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

5.0 Environmental Implications

- 5.1 The statement of licensing policy aims to balance the social and economic benefits of licensable activities against the potential adverse environmental implications, such public nuisance.

6.0 Alternative Options Considered

- 6.1 As there is a legal requirement for the licensing authority to review, consult and republish their Statement of Licensing Policy every five years, no alternative options have been considered appropriate on this occasion.

7.0 Reasons for Recommendations

- 7.1 The Statement of Licensing Policy provides the framework in which the licensing function is administered and the Council's approach under the Licensing Act 2003.
- 7.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years but it does not prevent an earlier review.
- 7.3 The Licensing Authority must have regard to the statutory guidance issued under Section 182 of the Licensing Act 2003 when drafting its policy. The latest version, issued by the Home Office in 2018, has been referred to during the drafting of this policy.

8.0 Future Work and Conclusions

- 8.1 The Council must publish its Licensing Policy Statement prior to 29 January 2021 so that it may be effective from that date.
- 8.2 In line with the BIS code of Practice on consultations it is intended to conduct an eight week consultation.
- 8.3 The next review of the Policy Statement is scheduled for 2025.

9.0 Financial Implications

- 9.1 The recommendations have no impact on the Council's budgets
(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 10.2 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 10.3 Failure to determine the Statement of Licensing Policy could lead to judicial challenge.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 Failing to prepare and publish a new Statement of Licensing Policy would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. A further assessment will be conducted to consider any feedback from the consultation.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

Licensing Act 2003

Guidance issued under S182 of the Licensing Act 2003.