

For Publication

Licensing Act 2003 – Statement of Licensing Policy (HW980)

Meeting:	Council
Date:	16 th December 2020
Cabinet portfolio:	Health & Wellbeing
Directorate:	Health & Wellbeing

1.0 Purpose of the report

- 1.1 The Council's Statement of Licensing Policy is concerned with the administration of the licensing functions required of the Council under the 2003 Act.
- 1.2 In accordance with the Licensing Act 2003 the Statement of Licensing Policy needs to be published every five years. The previous Policy was published in 2016. Therefore, the Policy needs to be approved by the Members via the Full Licensing Committee, Cabinet and Full Council and published in January 2021.
- 1.3 The Draft Statement of Licensing Policy was approved by the Full Licensing Committee on 30th September 2020 and was referred back to the full Licensing Committee on 18th November 2020 following consultation to members of the licensing trade.
- 1.4 This report and the Policy was considered by Cabinet at its meeting on 1 December, 2020, where it was resolved to recommend to full Council that the recommendation at paragraph 2.1 below be approved.

2.0 Recommendation

- 2.1 That Council approve the Statement of Licensing Policy attached at Appendix A to the report.

3.0 Reasons for recommendation

3.1 In accordance with the Licensing Act 2003, the Statement of Licensing Policy is published every five years. The last edition was published in January 2016, so this edition needs to be approved by the Full Licensing Committee, Cabinet Member, Cabinet and Full Council ready to be published in January 2021.

4.0 Report details

4.1 The licensing statement sets out how the Council intend to administer and determine applications in accordance with Section 5 of the Licensing Act 2003.

4.2 The Council will ensure through their Policy and Guidance that the licensees will promote the four licensing objectives when operating their business.

4.3 The licensing objectives include; the prevention of crime and disorder, prevention of public nuisance, prevention of public safety and protection of children from harm.

5.0 Amendment to Policy

5.1 Since the Policy was published in 2016 the following changes have been made:-

- Update to the date the Council's Plan was adopted to show 2019-2023.
- Updates throughout the Policy following the implementation of the Immigration Act 2016 which came into force on 6 April 2017 and the need for applicants to provide documentary evidence they are entitled to work in the UK.
- Remove the requirement to submit a copy of the documents for a Personal Licence application to the Police.
- Include details on how to apply for a Pavement Licence.
- Include information regarding Food registration of a business.
- Remove contact details of individual companies that provide personal licence qualifications.
- Update the contact details on how to apply for a personal licence criminal check.

- 5.2 The Draft Statement of Licensing Policy was approved by the Full Licensing Committee on 30th September 2020.
- 5.3 This document was then circulated to members of the trade, responsible authorities, representatives of local premises licence holders, club premises certificate holders, personal licence holders and businesses and residents in its area for comments to the Council by 2nd November 2020.
- 5.4 As part of the consultation the Licensing Committee requested information from the Police and the Community Safety team on the impact of the Cumulative Impact Zone/Special Policy. An email was sent out to the Police, Community Safety and the Environmental Health section asking for them to provide;
- Statistics on local anti-social behaviour offences
 - Environmental health complaints, particularly in relation to litter and noise
 - Complaints recorded by the local authority, which may include complaints raised by local residents or businesses

We asked for the data provided to cover the past 3 years.

- 5.5 The consultation period ended on 2nd November 2020. Licensing did not receive any comments from the public.
- 5.6 Environmental Health confirmed they had received 5 complaints relating to litter on Elder Way, 18 complaints were received relating to noise around Holywell Street and Corporation Street of loud music from licensed premises and 1 complaint was received relating to anti-social behaviour on Knifemithgate.
- 5.7 Police Licensing were in attendance at the meeting and showed the committee data from the last three years of crime related figures within the town centre. They felt it necessary to keep the cumulative impact zone/special policy.
- 5.8 The Government widely consult with authorities and members of the Licensing trade with regard to any proposed changes in the licensing law before they are implemented. This may be the reason why no comments were made to the consultation document as parties already had prior knowledge of proposed changes.

6.0 Risk management and Equalities

6.1 In writing this report Licensing have considered the following standard corporate issues:-

- legal and human rights
- prevention of crime and disorder
- health and safety
- consultation with the public and with stakeholder groups
- public relations/media
- implications for other services inside and outside the council
- sustainability and bio-diversity

6.2 At 27.0 in the Policy the Council recognises that the Equality Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics (such as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The Council will consider relevant legislation implemented during the period of this Policy.

6.3 At 28.0 the Council will implement the 2003 Act in a manner consistent with the Human Rights Act 1998 or any other relevant legislation implemented during the period of this Policy.

6.4 As the Council wish to consider the need to protect children from sexual exploitation there is reference to this in the Policy under 10.0 The Protection of Children from Harm:-

The Council will encourage Licensees to consider ways that children can be protected from moral, psychological and physical harm. This could include protecting children from harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (i.e. exposure to certain films or adult entertainment). The Council will consider the need to protect children from sexual exploitation when undertaking licensing functions and it will aim to support the relevant agencies in this duty.

Decision information

Key decision number	977
Wards affected	All Wards

Document information

Report author	
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Appendices to the report	
Appendix 1	Draft Statement of Licensing Policy