

<b>Title of Report</b>	<b>REVIEW OF STATEMENT OF LICENSING ACT 2003 LICENSING POLICY</b>	
<b>Presented by</b>	Lee Mansfield Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<a href="#">Home Office – Guidance issued under Section 182 of the Licensing Act 2003</a>  <a href="#">Licensing Act 2003 – Statement of Licensing Policy – Issue 7</a>	<b>Public Report:</b> Yes
<b>Financial Implications</b>	There are no additional financial implications arising directly from the report. However, there is a risk that the Council’s Statement of Licensing Policy is challenged.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	There is a risk that the Council’s Statement of Licensing Policy is challenged.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	The workload associated with the review of the Statement of Licensing Policy shall be undertaken within existing resources.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	<b>TO PRESENT A DRAFT STATEMENT OF LICENSING POLICY FOLLOWING THE CONCLUSION OF CONSULTATION</b>	
<b>Recommendations</b>	<b>THAT LICENSING COMMITTEE:</b>  <b>1. COMMENTS ON THE DRAFT STATEMENT OF LICENSING POLICY</b>  <b>2. RECOMMENDS APPROVAL OF THE DRAFT STATEMENT OF LICENSING POLICY TO COUNCIL AT ITS MEETING ON 14 NOVEMBER 2023.</b>	

## 1.0 BACKGROUND

1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years.

1.2 A statement of licensing policy explains how the licensing authority will carry out its role under the Licensing Act 2003. The statement can be used as follows:

- To guide members of the licensing authority in their decision making.
- To inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the licensing authority, albeit that each application will be examined and considered on an individual basis.

- To inform residents and businesses about how applications will be viewed and how their needs will be addressed.
  - To support decisions made by the licensing authority when these decisions are challenged in a court of law.
- 1.3 The current policy (issue 7) was determined by Council on 26 February 2019 and came into force on 26 March 2019 and shall remain valid until 25 March 2024 unless amendments are necessary before this date.
- 1.4 The scope of the review has only included the policy statement. The cumulative impact assessment relating to an area of Ashby de la Zouch town centre was reviewed in 2022.

## **2.0 CONSULTATION PROCESS**

- 2.1 Before a licensing authority can publish its policy it must consult with bodies/persons listed in section 5(3) of the 2003 Act. They are as follows:
- Chief Officer of police for the area.
  - The fire and rescue authority for the area.
  - Persons/bodies representative of local holders of premises licenses.
  - Persons/bodies representative of local holders of club premises certificates.
  - Persons/bodies representative of local holders of personal licenses.
  - Persons/bodies representative of local holders of businesses and residents in its area.
- 2.2 The consultation period commenced on 26 May 2023 and ended on 6 August 2023.
- 2.3 Email correspondence was sent to consultees listed at paragraph 2.1 referring them to a consultation document detailing structured questions relating to the draft statement of licensing policy.

## **3.0 PROPOSED CHANGES TO CURRENT POLICY**

- 3.1 The draft policy sent to all consultees contained the following amendments:
- Updated profile of the district.
  - Paragraph 1.5 - Further detail added on licensable activities.
  - Paragraph 1.6 - Amendments to (Live Music) to add information relating to deregulation.
  - Paragraph 2.2 - Added new paragraph relating to right and entitlement to work.
  - Paragraph 3 - Added clarification that operating schedules should be converted to conditions which must be appropriate and proportionate for the promotion of the licensing objectives.
  - Paragraph 4.4 Conditions relating to prevention of crime and disorder.
    - Added paragraph relating to refusal logs.
    - Detail added to paragraph relating to prohibiting irresponsible drinks promotions.
    - Detail added to information relating to staff to control admission.
    - Inclusion of age determination policy.
    - Inclusion of adequate and appropriate staff training.

- Inclusion of appropriate steps to prevent drink spiking and sexual harassment
- Paragraph 5.4 conditions relating promotion of public safety.
  - Inclusion of CCTV and appropriate lighting.
  - Inclusion of provision of a safe space with the venue.
- Paragraph 7 Protection of Children from Harm.
  - Inclusion of reference to Leicestershire and Rutland Safeguarding Boards.
- Paragraph 9 Late Night Levy
  - Content amended to reflect changes to Police Reform and Social Responsibility Act 2011.
- Paragraph 10 Special policy on Cumulative Impact.
  - Expansion of the list of other mechanisms available to address poor and unlawful behaviour once away from the premises.
- Paragraph 11 Licensing hours.
  - Inclusion of paragraph relating to drinking up time and dispersal of customers.
- Paragraph 12 Lapsed licensed insolvency and death.
  - Inclusion of paragraph relating to interim authority notice.
- Paragraph 13 Variation of licenses.
  - More detail added to give clarity to types of variation.
- Paragraph 14 Transfer of licenses.
  - Inclusion of reference to Home Office role.
- Paragraph 16 Review of licenses.
  - Inclusion of closure order.
  - Inclusion of Summary Review.
- Paragraph 17 Personal Licenses
  - Information added on the role and responsibilities of a personal licence holder and Designated Premises Supervisor (DPS).
  - Inclusion of reference to entitlement to work in the UK.
  - Added clarification that the licensing authority will normally refuse an application where the police have objected.
  - Inclusion of paragraph relating to revocation and suspension powers.
- Paragraph 18 Permitted Temporary Activities.

- Further information relating to standard and late temporary event notices (TEN's).
- Paragraph 19 Integrating strategies.
  - Inclusion of counter terrorism, supply and use of drugs and exploitation to the Community Safety Strategy paragraph.
  - Further information added within the promotion of equality paragraph.
  - Reference to taxis added to transport paragraph.
  - Inclusion of North West Leicestershire District Council's economic growth plan.
  - Inclusion of Public Health
- Paragraph 24 Deletion to reference of European Union Services Directive as outside of scope of policy.
- Paragraph 27 Period of validity and review.
  - Dates amended to reflect policy review.
- Paragraph 28 Contacts.
  - Licensing Authority postal address updated.
- Appendix 3
  - Inclusion of Home Office within the list of Responsible Authorities.

#### **4.0 REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003**

- 4.1 Revised guidance published in July 2023 introduced guidance relating to counter terrorism and public safety. The revision has been reflected within the draft statement of licensing policy.
- 4.2 The revision enables licensing committees to give due consideration to appropriate counter terrorism measures when considering licence applications. Any additional licensing conditions should be appropriate and proportionate to the venue. It is recommended that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or healthcare provision at appropriate premises and events applying for a licence.

#### **5.0 CONSULTATION FEEDBACK**

- 5.1 A total of five consultees have submitted comments on the draft policy which are as follows.

Consultee	Comment	Council response/comments
Castle Donington Parish Council	No comments to make on policy consultation	Not Applicable
Leicestershire Police	Clarification of the Business and Planning Act provisions in relation to TEN's and Off Sales following Government announcement in July 2023. Amendments to Late	The Business and Planning Act 2020 and the Late-Night Levy updates have been issued since the consultation commenced, the draft policy has been updated to reflect these

	Night Levy due to changes announced by Government during the consultation process.	changes.
Solicitor/representative for the trade	Minor amendments to wording	Comments noted and amended within the draft policy
Leicestershire County Council Public Health	Request to include information with regards to Public Health within the policy	Comments noted and section included on Public Health within the draft policy
Ashby Town Council	The changes refer to paragraph 4.6 but this should state paragraph 1.6.	Paragraph amendments to draft policy completed

5.2 A draft policy taking into account all comments made by consultees is at **Appendix 1**.

## 6.0 APPROVAL PROCESS

6.1 A procedural irregularity by a licensing authority in relation to the determination of its policy may be subject to a challenge by way of Judicial Review to the Administrative Court. To mitigate the risk of challenge the review and determination of this policy has been carried out in accordance with the Home Office guidance issued under Section 182 of the Licensing Act 2003 (issue December 2022). The revised guidance did not change in regard to how an authority's policy should be reviewed.

6.2 Members approval is sought that the draft Statement of Licensing Policy may be taken to Council on 14 November 2023 for final approval and publication.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Communities and Housing: keeping our communities safe
Policy Considerations:	<a href="#">Licensing Act 2003 – Statement of Licensing Policy – Issue 7</a>
Safeguarding:	Not applicable
Equalities/Diversity:	An Initial Equality and Human Rights Impact Assessment (EHRIA) has been carried out (August 2023) and no negative impacts have been identified
Customer Impact:	Applicants, members of the public, individuals visiting licensed premises and public events may be impacted by any decision made.
Economic and Social Impact:	The policy may impact on levels of crime and disorder, public safety, public nuisance and harm to children.
Environment, Climate Change and Zero Carbon:	Not applicable
Consultation/Community Engagement:	As required under section 5(3) of the Licensing Act 2003 – Listed at Paragraph 2
Risks:	There is a risk that the Council's Statement of Licensing Policy is challenged.
Officer Contact	Lee Mansfield

Environmental Health Team Manager  
01530 454610  
[lee.mansfield@nwleicestershire.gov.uk](mailto:lee.mansfield@nwleicestershire.gov.uk)

Andrew Cooper  
Licensing Team Leader  
01530 454844  
[andy.cooper@nwleicestershire.gov.uk](mailto:andy.cooper@nwleicestershire.gov.uk)