

Title of Report	REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY	
Presented by	Councillor Michael Wyatt Communities Portfolio Holder	
Background Papers	Home Office – Guidance issued under Section 182 of the Licensing Act 2003 Licensing Act 2003 – Statement of Licensing Policy – Issue 7 Licensing Committee 13 September Minutes & Report	Public Report: Yes
Financial Implications	No direct financial implications	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legislation requires the policy to be reviewed every five years.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the Statement of Licensing Policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To present a draft statement of licensing policy for approval.	
Recommendations	THAT COUNCIL CONSIDERS AND APPROVES THE LICENSING ACT 2003 STATEMENT OF LICENSING POLICY	

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 to:

- Guide members of the licensing authority in their decision making.
- 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.

- Inform residents and businesses about how applications will be viewed and how their needs will be addressed.
 - 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 licences.
 - Persons/bodies representative of local holders of club premises certificates.
 - Persons/bodies representative of local holders of personal licences.
 - 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 Night Levy due to changes announced by Government during the consultation process.	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 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 Licensing Committee considered the content of the draft policy at its meeting on 13 September. Licensing Committee endorsed the draft policy and recommended that Council approves the draft. No questions were asked. No amendments were requested to be made.

5.3 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. The revised guidance did not change in regard to how an authority's policy should be reviewed.

6.2 The statement of licensing policy will be published and will commence on 26 March 2024.

Policies and other considerations, as appropriate	
Council Priorities:	relevant Council Priorities: <ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected

Policy Considerations:	As detailed within the report and draft policy
Safeguarding:	None at this time
Equalities/Diversity:	Detail any equalities/diversity considerations made.
Customer Impact:	To manage potential harms arising from premises and activities licensed under the Licensing Act 2003
Economic and Social Impact:	To seek to manage the balance between economic growth and negative impacts such as crime and disorder, public nuisance, public safety and protecting children from harm
Environment, Climate Change and zero carbon:	No impact
Consultation/Community Engagement:	As detailed within the report
Risks:	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.
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