



Licensing Committee

4th June 2020

Subject: Licensing Policy Review - Consultation Approval

Report by:

Chief Executive

Contact Officer:

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Purpose / Summary:

This report is in relation to the statutory process of reviewing the Licensing Policy (which has been amended accordingly) and is put before Members of the Committee for their consideration and approval.

RECOMMENDATION(S):

Elected Members are asked to:

- a) Provide any comments in relation to the proposed Licensing Policy review
- b) Approve that the amended draft Licensing Policy be approved for consultation between the period of 6th June and 21st August 2020.
- c) Approve that the Licensing Policy, following on from the consultation period returns to the Licensing Committee on the 10th September 2020.

IMPLICATIONS

Legal:

Section 5(1)(a)(b) of the Act requires each Licensing Authority to determine and publish a Licensing Policy Statement and review on an ongoing basis, within a five year period. Adoption of the Policy Statement is a Council function which cannot be delegated to a Committee or Sub-Committee.

Financial :

None noted

Staffing :

None noted

Equality and Diversity including Human Rights :

The consultation process will be completed in line with the legislative requirements and provision will be made for any persons to provide comments on the policy in any format that they wish.

Data Protection Implications :

None noted

Climate Related Risks and Opportunities :

It is noted that climate change can be impacted upon by licensable activities and the council will seek to minimise the impact of these activities through its licensing process.

Section 17 Crime and Disorder Considerations :

It is noted that the Licensing of premises plays a key role in ensuring that any crime and disorder can be managed appropriately and ensures that a robust process is in place to enable the management of this. This policy seeks to ensure that this process can happen effectively.

Health Implications:

An effective and fit for purpose Licensing Policy helps to ensure that residents within the district and those visiting are safe and reduces the risk of health implications in relation to premises which require a license.

Title and Location of any Background Papers used in the preparation of this report:

Licensing Act 2003 – Licensing Office

Statutory Guidance made under section 182 of the Licensing Act 2003 – Licensing Office

Risk Assessment :

1. Introduction

- 1.1 Section 3 of the Licensing Act 2003 defines this Council as a “Licensing Authority”.
- 1.2 Section 4 of the Act requires the Licensing Authority to have regard to its Licensing Policy in carrying out its functions, and must also have regard to any guidance issued by the Secretary of State under Section 182.
- 1.3 Section 5 of the Licensing Act 2003 requires that each Licensing Authority prepares, consults on and determines a Statement of Licensing Policy. That policy must be kept under review on an ongoing basis and in any case every five years. The current policy was adopted by Council in November 2015. The legislation requires that where revisions are made, the licensing authority must publish a statement of the revisions or the revised licensing statement. The revised policy must be in place by 07 January 2021.

2 Details of the report

- 2.1 Before determining the policy the Authority must consult with:
 - The Chief Officer of Police for the licensing authority’s area;
 - The Fire Authority for that area;
 - Representatives of holders of premises licences, club premises certificates and personal licences;
 - Other persons the licensing authority considers to be representative of businesses and residents in its area;
 - The Local Authority’s Director of Public Health England (DPH).
- 2.2 The consultees above will be contacted directly, mainly via e mail or letter. The consultation process will ensure that those premises who are currently not operating due to the Covid – 19 pandemic are contacted directly. The Council will also take steps to ensure that it uses a variety of avenues, such as social media, to advise the persons responsible for these premises that this consultation is underway.
- 2.3 The Council’s website will have a copy of the proposed policy available.
- 2.4 There have been no significant changes to the Policy since the last consultation other than a section added at 8.19 for Immigration, taking into account the Immigration Act 2016.

3 Risks

- 3.1 Failure to adopt and publish a Statement of Policy means that the authority would not be complying with the Licensing Act 2003 and would leave any decisions made by the Licensing Authority open to challenge along with the potential to damage to its reputation.

- 3.2 It should be noted that the policy, following on from consultation and if approved, can be challenged as with any decision made by the Council. However, in order to minimise the risks of any legal challenge, the comments received will be given due consideration and these will be set out in the final report to Licensing committee.

4 Conclusion

- 4.1 The latest draft policy is attached at Appendix 1 for Committee's approval prior to consultation. Following on from formal consultation, this policy will return to Licensing Committee on the 10th of September 2020 for approval, before being referred to Full Council on the 2nd of November for final approval.
- 4.2 Following formal adoption by Council, the policy will remain in force for a five year period after which it must be reviewed and formally adopted for a further five year period and so on.
- 4.3 During its five year period, the licensing authority can make such revisions to their policy, at such times as considered appropriate, following a further consultation exercise.