



Full Council

Monday 2nd November

Subject: Licensing Policy Review

Report by:

Chief Executive

Contact Officer:

Andy Gray
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

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 Full Council for their consideration

RECOMMENDATION(S):

Full Council are asked to accept the **RECOMMENDATION** from its Licensing Committee and approve the Revised Licensing Policy.

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 : FIN/57/21/SSc

No financial implications arising from this report.

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 :

Climate Related Risks and Opportunities :

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 Policy Review – Consultation Approval – Licensing Committee, 4 June 2020.

Risk Assessment :

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.

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.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

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 7th January 2021.

2. Consultation

- 2.1. The decision to approve consultation on the revised policy was taken at the Licensing Committee on the 4th of June 2020. The consultation has been open from the 6th of June 2020 and is due to close on the 28th August 2020. Initially the 21st August 2020 was proposed as the closing date, however this has been extended by one week due to the ongoing requirements adding pressure to the sector in relation to Covid 19.
- 2.2. The Council has consulted with the following:
 - 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).
- 2.3. There were 7 responses to the consultation at the point in time that this report was produced. 6 respondents advised that they had viewed it and had no further comments. One proposed that we changed the wording below;

‘The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police’.

Given that the policy position is clear that this is an expectation and not a “must”, it is not proposed to amend the wording.

3. Policy

- 3.1. There are no policy amendments proposed as a result of the consultation and the policy is shown in appendix 1.
- 3.2. The policy, as attached, was considered by the Councils Licensing Committee at its meeting on the 10th of September 2020 and was **RECOMMENDED** to Full Council for approval and adoption