

Harborough District Council

Report to Licensing Committee Meeting of 1 February 2023



Title:	Licensing Act 2003 – Proposed Statement of Licensing Policy 2023 - 2028
Status:	Public
Key Decision:	N/A
Report Author:	Jessica Nicholls – Senior Licensing Officer
Portfolio Holder:	Cllr Paul Dann - Corporate and Regulatory Services
Appendices:	Appendix A – Draft Statement of Licensing Policy 2023 - 2028

Executive Summary

- i. The Licensing Act 2003 requires that the Council review its Statement of Licensing Policy (“the Policy”) at least every five years, consulting the public and revising the Policy as appropriate.
- ii. The Policy has been updated to include legislative changes. The proposed updates to the Policy are highlighted in red in the attached Appendix A.
- iii. It is a statutory requirement that consultation is undertaken with the public and the licensing trade prior to the Council determining whether to adopt the Policy. It is proposed that the consultation period last for four weeks. The consultation will be advertised on the Council’s website and through press releases. In addition, details will be provided to statutory consultees.
- iv. It is recommended that the Regulatory Services Manager be granted delegated authority to consider and amend the Policy to reflect any responses received during the statutory consultation period, in consultation with the Chair and Vice-Chair of the Licensing Committee, prior to the Policy being recommended to Council for adoption.

Recommendations

1. That the Revised Statement of Licensing Policy is subject to a period of public consultation for a period of 4 weeks.
2. That the Regulatory Services Manager, in consultation with the Chairman and Vice-Chairman of the Licensing Committee, is given delegated authority to consider any consultation responses received and amend the draft Policy as appropriate.

3. That the Statement of Licensing Policy, as amended following the outcome of the statutory consultation period, be recommended to Council for approval and adoption

Reasons for Recommendations

- v. To comply with the requirements of the Licensing Act 2003, ensure the Council maintains a Policy that guides businesses and the public on the Council's overall position in respect of the Licensing Act 2003, and provide a decision-making framework for the Council, via the Licensing Committee, when exercising functions under the Licensing Act 2003.

Purpose of Report

1. To consider the Council's draft Statement of Licensing Policy for 2023 – 2028, in compliance with the Licensing Act 2003, and determine the arrangements for public consultation upon, and adoption by the Council of, the Policy.

Details

2. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing Policy at least every five years. Such a Policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. It forms part of the Council's policy framework.
3. During the five-year period, the Policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its Policy in this way, a new five-year period commences on the date it is published.
4. As part of the review, consultation will take place with stakeholders, interested parties and the community for a period of four weeks. Consideration will be given to any representation received during the consultation and the final draft Policy will be referred to Council for approval.
5. The draft Policy attached as Appendix A proposed to be published for consultation has been updated to reflect current practice. The proposed amendments are shown in red in Appendix A and reflect:
 - a. Inclusion of the Immigration Act 2016 requirements;
 - b. Inclusion of the entitlement to work checks;
 - c. Inclusion of information around local, national and international occasions;
 - d. Clarity on disabled access to premises not being covered by the Licensing Act 2003 conditions;
 - e. Updated information on Personal Licences;
 - f. Inclusion of information on changes to the licence during its lifetime;

- g. Inclusion of information on representations;
 - h. Inclusion of information on suspension of licence for non payment of fees;
 - i. Information on reviews;
 - j. For clarity, information on the standard conditions attached to a licence;
6. In drawing up its policy, Harborough District Council has had regard for the four licensing objectives, which are:
- Prevention of crime and disorder;
 - Public safety;
 - Prevention of public nuisance;
 - Protection of children from harm

Implications of Decisions

Corporate Priorities

7. The Statement of Licensing Policy supports the Corporate Priorities of:
- Place and Community - through meeting the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.
 - Healthy lives - through the management of licensed premises and meeting the licensing objectives of protecting public safety and the protection of children from harm.

Financial

8. There are no direct financial implications as a consequence of this report. Licensing fees are prescribed by the Licensing Act 2003, with premises license application and annual fees being determined by the rateable value of the property. The Valuation Office has undertaken a review of the rateable value of all business premises which may have an impact on the income received from the Premises Licences.

Legal

9. There is a legal requirement to review, consult and publish a Statement of Licensing Policy at least every 5 years.

Policy

10. None.

Environmental Implications including contributions to achieving a net zero carbon Council by 2030

11. No impact .

Risk Management

12. Not having an up-to-date Statement of Licensing Policy document published may open the council up for challenge by licence holders, applicants and other relevant stakeholders.

Equalities Impact

13. An Initial Equality Impact Assessment was completed in September 2015 and it confirmed that there was no direct discrimination against any of the protected groups.

14. Following the review further consideration was given and there is no additional evidence to suggest that it will have a disproportionately negative impact against any of the protected groups.
15. A full review of the Equalities Impact will be undertaken during 2023 following the consultation process.

Data Protection

16. None.

Summary of Consultation and Outcome

17. The Council has a duty under the Licensing Act 2003 to publish and review the Statement of Licensing Policy. When reviewing the policy, licensing authorities must consult:
 - a. The chief officer of police for the licensing authority's area.
 - b. The fire authority for that area.
 - c. Representatives of holders of premises licences issued by that authority.
 - d. Representatives of holders of club premises certificates issued by that authority.
 - e. Representatives of holders of personal licences issued by that authority.
 - f. Representatives of businesses and residents in its area.
- a. The consultation will take place over a period of 4 weeks and once approved by Council the Statement is published on the Council's website and will take effect one month following publication.

Alternative Options Considered

18. It is a statutory requirement for the Council to publish a statement of licensing policy for the five year period from 2023 to 2028. Failing to adopt a statement of licensing policy would therefore be ultra vires and have a detrimental impact upon the licensing objectives and therefore the Council's own corporate priorities. However, once the outcome of consultation is incorporated within the draft Statement of Licensing Policy, the Council can determine whether to:
 - a. Accept the draft statement of licensing policy;
 - b. Reject some aspects of the revised statement of licensing policy while accepting others;
 - c. Reject the draft statement of licensing policy in its entirety.
19. In the event that Council rejects the proposed statement of licensing policy in whole or in part, the Council will be invited to confirm that the current statement of licensing policy be readopted

Background papers

20. Guidance issued under Section 182 of the Licensing Act 2003

[Harborough District Council Statement of Licensing Policy](#)