

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Licensing Act 2003-Statement of Licensing Policy

Meeting/Date: Licensing Committee – 24 June 2020

Executive Portfolio: Cllr K Prentice – Executive Councillor for Communities

Report by: Acting Operations Manager (Business)

Ward(s) affected: All

Executive Summary:

The Council is required to produce a Licensing Act 2003 Statement of Licensing Policy on which it will base its decisions. The production of the document required the Council to undertake a period of public consultation which will commence on 29th June 2020 and end on 8th September 2020. This report provides the Licensing Committee with a draft of the document to be consulted on and seeks the recommendation for approval of the consultation.

Once the consultation is complete a further report will be submitted detailing the responses and any subsequent recommendations to amend the policy after consultation.

If approved by the Committee the final policy will go forward for approval by full council and adoption by no later than 7th January 2021.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Licensing Act 2003 regime.

RECOMMENDATIONS:

- 1. That Members of the Licensing Committee note and provide any further comments on the Licensing Act 2003 – Draft Statement of Licensing Policy that has been produced.**
- 2. That approval to commence with a public consultation commencing 29th June be given.**

1. PURPOSE OF THE REPORT

- 1.1 The Licensing Act 2003 (the Act), requires that for each five year period, the Council must determine its policy on how it will exercise its statutory duties relating to its licensing function and publish a statement of that policy before the beginning of the period. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current Huntingdonshire District Council policy expires on 6th January 2021 and the Council is required to determine the policy for the period 7th January 2021 to 6th January 2026, having undertaken public consultation and considered any feedback. If the Council fails to do this, then it will be unable to fulfil its licensing duties under the Act. It is vital therefore that we progress the consultation and subsequent approval and adoption of the draft document to enable us to meet the statutory timeframe.
- 1.3 The purpose of this report is to invite Members to recommend the approval of the draft document, for public consultation.
- 1.4 Through the document where new content has been added this is shown in bold italics. Where content has been changed or removed this is shown in red

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the 'Licensing Authority' for the purposes of the Act, having taken on its licensing responsibilities in 2005, when the Act came into effect. The Act requires the Licensing Authority to prepare and publish a 'Statement of Licensing Policy' that it proposes to apply in exercising its functions under the Act. The policy statement must be kept under review and reviewed at least every five years.
- 2.2 The Council is now required to undertake a review of its policy. The policy must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.3 The current policy, prepared in 2015, reflected the legislation and Government Guidance at that time. Since this date, there have been some minor changes to the legislation and a number of updated versions of the Government Guidance have been issued, the latest being in April 2018.
- 2.4 The policy has therefore been re-drafted and takes into account the relevant legislative changes and provisions as they now apply to Huntingdonshire District Council. The revised document is attached as Appendix 1.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The Council has a statutory duty to adopt and publish a Statement of Licensing Policy before 7th January 2021 in order to fulfil its legal obligations under the Act.

4. KEY IMPACTS / RISKS

- 4.1 Failure to adopt a policy will result in Huntingdonshire District Council being unable to fulfil its statutory duties under the Licensing Act 2003

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 The draft policy will be subject to public scrutiny between 29th June 2020 and 8th September 2020. A further final report will be submitted to Licensing Committee for any required amendments resulting from the consultation and then forwarded to Full Council for final approval in October 2020.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 This Policy helps promote the following: -
- Helping make Huntingdonshire a better place to live
 - Helping make Huntingdonshire a better place to work.
 - Create, protect and enhance our safe, clean and green environment
 - Supporting new and growing businesses

7. CONSULTATION

- 7.1 Before determining or revising its policy, legislation requires the licensing authority to consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of personal and premises licences, club premises certificates and persons/bodies representative of businesses and residents in the area.
- 7.2 The consultation will take place between 29th June and 8th September in accordance with Cabinet Office guidelines. Wide consultation will be undertaken in accordance the legislation by a variety of means, including our website, and council offices and direct notification to as many interested parties as possible. If Libraries re-open following Covid 19, copies will be made available.
- 7.3 It is important that the views of the consultees are taken into account as part of the consultation and these will be collated and made available to the committee prior to any re-drafting of the revised statement recommended for approval.
- 7.4 The final policy must comply with the Act and Statutory Guidance. For this reason, it is not always possible to adopt all suggestions put forward, but consideration will be given to all representations and where they cannot be given consideration, reasons will be recorded.

8. LEGAL IMPLICATIONS

8.1 Should the Council fail to have a policy in place by 7th January 2021, then it will be unable to fulfil its licensing duties under the Act, with possible additional financial and legal consequences arising as a result. The Licensing Act sets out key principles of:-

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and.
- the protection of children from harm.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Licensing Act 2003 licensing regime must remain a priority

8.2 The Licensing Act 2003, Section 5 places a statutory obligation on the Council to prepare its Statement of Licensing Policy

9. RESOURCE IMPLICATIONS

9.1 The cost of implementing the policy is covered from fees income generated under the Licensing Act 2003.

10. OTHER IMPLICATIONS

10.1 No other implications are envisaged. The legislation sets out four licensing objectives to be followed and provides a number of checks and balances to protect the local environment and community.

11. REASONS FOR THE RECOMMENDED DECISIONS

11.1 The present Statement of Licensing Policy must be replaced for a further maximum period of five years.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Licensing Policy

13. BACKGROUND PAPERS

Revised guidance issued under S.182 of the Licensing Act 2003 April 2018.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

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