

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

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

**Meeting/Date:** Council – 14 October 2020

**Executive Portfolio:** Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice

**Report by:** Acting Operations Manager (Business)

**Ward(s) affected:** All.

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### **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 ended on 12<sup>th</sup> September 2020. This report provides the Council with a final draft of the document and seeks its approval and adoption with effect from 7th January 2021.

The draft Statement was considered and endorsed by the Licensing Committee at their meeting on 30 September 2020 and it was recommended that it should be referred to the Council for approval.

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.

### **Recommendation:**

- (i) that Council approve and adopt the Council's Licensing Act 2003 Statement of Policy for a 5 year period commencing on 7th January 2021.**

## **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 7<sup>th</sup> January 2021 to 6<sup>th</sup> 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 after conducting a consultation that subsequent approval and adoption of the draft document is undertaken to enable us to meet the statutory timeframe.
- 1.3 The purpose of this report is to invite Members to approve the revised draft document, having undertaken public consultation and considered all the comments received.
- 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 undertaking a review of its policy. The policy has been subject to public consultation prior to this report being made. Two comments were received and are attached as Appendix A.
- 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 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 document is attached as Appendix B.

## **3. OPTIONS CONSIDERED/ANALYSIS**

3.1 The Council has a statutory duty to adopt and publish a Statement of Licensing Policy before 7<sup>th</sup> 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 Approval of the Statement of Licensing Policy is reserved to Full Council. Approval by the Council at their meeting on 14 October 2020 will be in time to publish the statement before it comes into effect on 7<sup>th</sup> January 2021.

#### **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 took place between 22<sup>nd</sup> June and 12<sup>th</sup> September in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance the legislation by a variety of means, including our website, and direct notification to as many interested parties as possible, including Parish and Town Councils and Councillors.

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 7<sup>th</sup> 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 A – Consultation responses

Appendix B – 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](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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