



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Environment Overview and Scrutiny Committee

6 October 2020

Report of: Councillor Dr Peter Moseley,
Cabinet Member for Commercial
and Operations



Review of Statement of Licensing Policy (Licensing Act 2003)

The Council has a statutory duty to review and publish its Statement of Licensing Policy every 5 years. An updated draft Statement of Licensing Policy has been prepared for 2021-2026 and is presented for consideration.

Report Author

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Corporate Priority:	Decision type:	Wards:
Competitiveness	Budget and Policy Framework	All Wards

Reviewed by:	Ian Yates, Assistant Director, Commercial and Operations	8 September 2020
Approved by:	Gary Smith, Strategic Director, Commercial and Operations	10 September 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	10 September 2020

Recommendation (s) to the decision maker (s)

- 1. Considers the draft Statement of Licensing Policy 2021-2026 and makes any amendments.**

2. Supports the draft Statement of Licensing Policy 2021-2026 proceeding to public consultation.

1 The Background to the Report

- 1.1 The Council, as the Licensing Authority, has a statutory duty to review and re-publish its Statement of Licensing Policy “the policy” at least every five years. The current policy is due for review by January 2021. The policy forms an essential part of the decision-making process for licensing applications.
- 1.2 The policy sets out how the Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.3 Activities regulated under the Licensing Act 2003 include:
- The sale of alcohol
 - The provision of regulated entertainment
 - The provision of late-night refreshment (the provision of hot food or hot drink between 11pm and 5am)
- 1.4 The policy has been updated to reflect the latest statutory guidance published under the Licensing Act 2003 in April 2018, information about the district and other minor changes to ensure the draft policy is accurate.
- 1.5 The proposed changes are shown in red as “track changes” within the draft policy document at Appendix 1. The main changes include:
- Further detail on measures which may be considered appropriate to assist premises to comply with the licensing objectives
 - Update to the section relating to cumulative impact to reflect changes that have been made as a result of the Policing and Crime Act 2017
 - Inclusion of the specific mandatory licence conditions attached to licenses authorising the sale or supply of alcohol on the premises
 - Inclusion of further details relating to Temporary Event Notices and their limitations
- 1.6 The Council is required to carry out public consultation, including a range of relevant consultees as detailed at paragraph 1.12 of the draft policy. Given the limited number of changes anticipated it is proposed that a 2-week consultation will be undertaken.

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 In addition to contacting the organisations detailed, the consultation will be made available for comment on the Council’s website and publicised via social media. The Licensing Committee will also be invited to comment.

3 Available Options Considered

- 3.1 The Council is required to review its Policy to ensure it reflects latest legislation and guidance. There is no other option available for consideration.

4 Preferred Option

- 4.1 In order to comply with legislative requirements, the Council should review and publish its revised statement.

5 Reasons for the Recommendation (s)

- 5.1 To ensure that the statutory duty to review and publish a Statement of Licensing Policy is complied with and to support transparent and consistent decision making by the Licensing Committee and Officers.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 Following the period of consultation officers will analyse any responses. The final draft, incorporating any amendments as a result of the consultation will be presented to Cabinet before determination by Council. The Licensing Act 2003 requires that the making of the Statement of Licensing Policy is a function of the Council.

7 Financial Implications

- 7.1 The financial implications arising from the policy will be met from existing budgets. The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. These fee levels are set centrally by government.

Financial Implications reviewed by: Richard Wyles, Interim Director of Finance

8 Legal and Governance Implications

- 8.1 Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a Statement of Licensing Policy every 5 years. Before determining its policy the Licensing Authority must consult with relevant consultees. The aim of the policy is to ensure fairness, clarity and consistency, equality of treatment and proportionality in the approach to be adopted by the licensing authority in determining licensing application.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 An Initial Equality Impact Assessment has been undertaken and is attached at Appendix 2.

10 Risk and Mitigation

- 10.1 Reviewing and publishing a revised policy ensures that decision making continues to be transparent and consistent. Failure to meet the statutory duty could lead to uncertainties in decision making and could leave the Authority open to challenge.

11 Community Safety Implications

- 11.1 The objectives of the Licensing Act 2003 seek to ensure adequate measures are in place in licensed premises to protect public safety, protect children from harm, prevent public nuisance and prevent crime and disorder. The four licensing objectives have a positive impact on community safety.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

- 12.1 The review of this policy has a neutral impact on the Council's declaration.

13 Other Implications (where significant)

13.1 No other significant implications not already detailed with the report have been identified.

14 Background Papers

14.1 [Revised guidance issued under section 182 of Licensing Act 2003, April 2018](#)

15 Appendices

15.1 Appendix 1 – Draft revised Statement of Licensing Policy under the Licensing Act 2003

15.2 Appendix 2 – Initial Equality Impact Assessment

Report Timeline:	Date of Publication on Forward Plan (if required)	14 September 2020
	Final Decision date	28 January 2021