



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

**Alcohol, Entertainment and Late Night
Refreshment Licensing Committee**

13 November 2020

Report of: Councillor Dr Peter Moseley

Cabinet Member for Commercial
and Operations



Review of Statement of Licensing Policy 2021-2026

The Council has a statutory duty to review and publish its Statement of Licensing Policy every 5 years. This report presents the draft policy for consultation.

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 Operational	27 October 2020
Approved by:	Gary Smith, Strategic Director, Commercial and Operations	27 October 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	3 November 2020

Recommendation (s) to the decision maker (s)

1. Notes the revised draft Statement of Licensing Policy 2021-26 and makes any comments.

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 changes to ensure the draft policy assists applicants’ understanding.
- 1.5 The proposed changes are shown as “track changes” within the draft policy document at Appendix 1. The main changes include:
- Additional 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’s Constitution gives the Environment Overview and Scrutiny Committee responsibility for the development of this policy. However, the Alcohol, Entertainment and Licensing Committee undertake and exercise the functions in accordance with the adopted policy.

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 The Environment Overview and Scrutiny Committee considered the draft revised policy at their meeting on 6 October 2020. Following this, public consultation was undertaken from 9 to 26 October.
- 2.2 The views of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee are sought as the committee responsible for exercising the functions contained in the draft policy.

3 Available Options Considered

- 3.1 The Alcohol, Entertainment and Late Night Refreshment Licensing Committee is asked to consider the proposed amendments and make any comments.

4 Preferred Option

- 4.1 The policy sets out the approach to be adopted by the Licensing Authority in determining licensing applications. The Committee acts as the Licensing Authority and as such is given the opportunity to comment on the policy.

5 Reasons for the Recommendation (s)

- 5.1 To ensure that the policy supports transparent and consistent decision making by the Alcohol, Entertainment and Late Night Refreshment Licensing Committee and Officers.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 The final draft 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.