



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

28 January 2021

Report of: Councillor Dr Peter Moseley

Cabinet Member for Commercial
and Operations



Statement of Licensing Policy 2021-2026

The Council has a statutory duty to review and publish its Statement of Licensing Policy every 5 years. Following public consultation, a draft revised 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	18 December 2020
Approved by:	Gary Smith, Strategic Director, Commercial and Operations	18 December 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	30 December 2020

Recommendation (s) to the decision maker (s)

- 1. Recommends that the South Kesteven District Council Statement of Licensing Policy 2021-2026 is adopted.**

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 (“the Act”) with a view to promoting the licensing objectives:
- 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 Act in April 2018, legislative changes and other information to ensure the policy assists applicants in understanding their responsibilities.
- 1.5 The updated Statement of Licensing Policy is attached in Appendix 1. The changes are shown in red, with the main changes being:
- 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 As required by the Act, public consultation has been undertaken with a range of relevant consultees as detailed in paragraph 1.12 of the 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 of 6 October 2020. Following this, public consultation was undertaken between 9 and 26 October 2020 and members of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee considered the revised draft Policy at their meeting of 13 November 2020.
- 2.2 The consultation did not result in any further proposed amendments to the revised draft Policy.

- 2.3 The revised draft Policy and consultation results were presented to Cabinet on 1 December 2020. Cabinet recommended to Council that the draft Statement of Licensing Policy 2021-2026 be adopted.

3 Available Options Considered

- 3.1 The Council is required to review its Statement of Licensing Policy every 5 years. The current Policy has been reviewed and updated. Council could choose not to accept the proposed amendments.

4 Preferred Option

- 4.1 In order to comply with legal requirements, the Policy has been reviewed and public consultation undertaken. Adoption of the revised Policy is preferred.

5 Reasons for the Recommendation (s)

- 5.1 The review has resulted in minor updates to ensure the ongoing effectiveness of the Policy and 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 If adopted, the Statement of Licensing Policy will be published to ensure compliance with the Licensing Act 2003.

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: Alison Hall-Wright, Head 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. In accordance with requirements, before determining its policy the Licensing Authority has consulted 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 Equality Impact Assessment has been prepared and reviewed following the consultation. Consequently, no additional implications or adverse impacts have been identified. The assessment is at Appendix 2.

10 Risk and Mitigation

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

11 Community Safety Implications

- 11.1 The objectives of the Act 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 Policy sets out how the Licensing Authority will determine applications and control licensed premises under the legislation. It has a neutral impact on the Council's declaration.

13 Other Implications (where significant)

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

14 Background Papers

- 14.1 [Cabinet, 1 December 2020](#)
- 14.2 [Alcohol, Entertainment and Late-Night Refreshment Committee, 13 November 2020](#)
- 14.3 [Environment Overview and Scrutiny Committee, 6 October 2020](#)

15 Appendices

- 15.1 Appendix 1 – Draft Statement of Licensing Policy 2021-2026
Appendix 2 – Equality Impact Statement

Report Timeline:	Date of Publication on Forward Plan (if required)	14 September 2020
	Previously Considered by: Cabinet	1 December 2020
	Final Decision date	28 January 2021