# Licensing Act 2003 – Statement of Licensing Policy

Report of the Head of Legal and Democratic (Portfolio: Corporate)

## Recommended:

1. **That the revised Statement of Licensing Policy published for consultation in July 2020 attached as Annex 2 to this report be recommended for approval by Council, subject to the revisions set out in this report.**
2. **That the policy be effective for a five year period commencing 7 January 2021 subject to the policy being kept under review and the Council making such revisions to it at such times as it considers appropriate.**

Recommendation to Council


SUMMARY:

- The Council published its original Statement of Licensing Policy in January 2005 and further revised Policies in January 2008, 2011 and 2016 setting out how it would deal with its responsibilities under the Licensing Act 2003
- The Policy must be reviewed and republished every five years and a draft revised Policy was published for consultation in July 2020
- The consultation attracted only one substantive response.


## 1 Introduction

1.1 Prior to the commencement of the Licensing Act 2003 the Council had to publish and approve a Statement of Licensing Policy setting out the principles to be taken into account by the Council when determining applications for licences under the Act. The Act requires the Council to review and publish its Policy every five years in consultation with the community, the licensed trade, local businesses and organisations such as the Police and Fire Service

## 2 Background

2.1 Local authorities being the licensing authorities under the Act are required to review their policy statements every three years. The original Policy came into effect in January 2005. A further revised Policy was published in January 2008 and then again in January 2011 and January 2016. That Policy has to be fully reviewed and republished by no later than 7 January 2021. A revised draft policy was prepared and consulted upon from July to September 2020.

## 3 Corporate Objectives and Priorities

3.1 The adoption of a Statement of Licensing Principles is a statutory requirement. The licensing functions dealt with by the Licensing Act 2003 falls within the broader remit of public safety which in itself cuts across the Council's corporate priorities with particular reference to growing the potential of our Town Centres, Communities and People.

## 4 Consultations/Communications

4.1 A revised Policy document was sent to all Borough Councillors, Heads of Service, Hampshire Constabulary, Hampshire Fire and Rescue Service, Hampshire County Council (HCC) Trading Standards Service, HCC Public Health, breweries, pub companies, trade organisations, Andover and Romsey Town Councils, Andover BID and licensing lawyers. Consultees had until 4th September 2020 to submit any comments.

4.2 Only one substantive reply was received from Hampshire County Council Public Health Team. That reply is attached at Annex 1 to this report and recommends the addition of two sections to the Statement highlighting the public health impact of alcohol consumption. Whilst public health is not a licensing objective under the Licensing Act 2003, in the view of officers it is appropriate to include reference to the public health impact of alcohol consumption within the Statement.

## 5 Revisions

5.1 The revised Policy is largely unaltered from the current version and a draft revised version is attached as Annex 2 to this report which includes the policy changes suggested by HCC Public Health. All of the other revisions seek to reflect changes to legislation, reflect current guidance and provide clarification and simplification.

## 6 Resource Implications

6.1 There are no direct resource implications as a result of this report.

## 7 Legal Implications

7.1 Licensing functions are not executive functions and accordingly the approval of the Licensing Policy is a function that must be undertaken by the full Council. Once approved, the Policy is effective for five years but there is nothing to prevent the Council from reviewing the Policy during this period, should this become necessary.

## 8 Equality Issues

8.1 There are no direct issues as a result of this report. However, in determining applications the Council as Licensing Authority has to guard against imposing any condition(s) on a licence which applies to a wide group of people, but would in fact have an indirect discriminatory impact upon particular groups.

## 9 Other Issues

9.1 Community Safety – there are no direct issues as a result of this report. It is important to mention that in developing the Licensing Policy, the Council has been guided by the four licensing objectives contained within the Act, one of which is the prevention of crime and disorder.

9.2 Environmental Health Issues – no implications identified.

9.3 Sustainability and Addressing a Changing Climate – no implications identified.

9.4 Property Issues – no implications identified.

9.5 Wards/Communities Affected – the whole Borough.

## 10 Conclusion

10.1 The Council is legally required to consult upon its Licensing Policy. The lack of any substantive responses to the consultation would indicate that there is general satisfaction with the proposed Policy. Should, after its adoption, the Council consider it appropriate to review the Policy then the facility to do so is available.

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| Background Papers (Local Government Act 1972 Section 100D)<br>Draft revised Statement of Licensing Policy for consultation published July 2020. | | | |
| Confidentiality<br><br>It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public. | | | |
| No of Annexes: | 2 | | |
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| Report to: | Licensing Committee | Date: | 15 October 2020 |