

MID SUFFOLK DISTRICT COUNCIL

TO: Licensing and Regulatory Committee	REPORT NUMBER: MLR/20/2
FROM: Jessica Fleming – Cabinet Member for Environment	DATE OF MEETING: 2 October 2020
OFFICER: Emma Richbell – Assistant Manager Food Safety & Licensing Kay Sanders – Licensing Officer	KEY DECISION REF NO. N/A

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY STATUTORY FIVE-YEARLY REVISION

1. PURPOSE OF REPORT

- 1.1 To report back to the Licensing and Regulatory Committee the outcome of a full targeted and public consultation, which ran between 20 August 2020 and 16 September 2020, in respect of the above statutory policy revision relating to Licensing Act 2003 functions.
- 1.2 Since November 2005 local licensing authorities have been responsible for functions under the Licensing Act 2003.
- 1.3 Section 5 of The Licensing Act 2003 (the Act) requires that each Licensing Authority shall determine and publish a local 'Statement of Licensing Policy' relating to the discharge of its licensing functions under the Act. The Licensing Team revisited the statement which has been in effect since January 2016. This report seeks the approval by the Licensing and Regulatory Committee of the revised policy statement, attached as **Appendix A**, for recommendation on to full Council so that it may be adopted for publication and ready to take effect from 7 January 2021.

2. OPTIONS CONSIDERED

- 2.1 Not applicable, Statutory consultation of a policy document.

3. RECOMMENDATION
3.1 That the post-consultation draft 'Statement of Licensing Policy' in respect of Licensing Act 2003 functions, as attached at Appendix A, be approved.
RECOMMENDATION TO COUNCIL
3.2 That the 'Statement of Licensing Policy' document be adopted.
REASON FOR DECISION
Statutory requirement to review and readopt the Council's Licensing Policy.

4. KEY INFORMATION

- 4.1 The Licensing and Regulatory Committee (Licensing Committee as per the 2003 Act) established under section 6 of the Licensing Act 2003 is responsible for dealing with matters under the Licensing Act 2003. Some of these functions are delegated to a sub-committee or officers, but some functions may not be delegated. These exceptions are matters for full Council and include final approval of the five year 'Statement of Licensing Policy' document.
- 4.2 The 'Statement of Licensing Policy' must contain certain information as required by regulation. The statement must also have regard to guidance issued under section 182 of the Act by the Home Office and take into account the views expressed in any consultation responses from statutory consultees - including local communities and responsible authorities.
- 4.3 The redrafted statement, attached as **Appendix A** to this report, contains amendments from the previous version published in 2016.
- 4.4 A summary of the changes made (brought to this Committee on 7 August 2020) from the 2016 statement to the redraft is attached to this report as **Appendix B**.
- 4.5 Generally, a licensing authority must when undertaking Licensing Act functions have regard to its own Statement of Licensing Policy and guidance issued by the Home Office, as well as the licensing objectives.
- 4.6 The fifth edition of the 'Statement of Licensing Policy', once approved and adopted, shall take effect for a five-year period from 7 January 2021 (although it may be revised sooner if necessary). It will then become a primary point of reference for councillors, officers, applicants and other responsible/interested parties.

5. LINKS TO JOINT CORPORATE PLAN

- 5.1 The Council's 'Statement of Licensing Policy' is the overarching set of principles which guides the Councils in carrying out its licensing functions. The Statement balances sector business activity with relevant safeguards and protections, including social responsibility.

6. FINANCIAL IMPLICATIONS

- 6.1 This is a statutory function. The Licensing Team has to date undertaken the necessary preparatory and consultation work within existing resources and fee structure, and by working collaboratively, wherever viable.
- 6.2 In general terms the legislation aims to secure full cost-recovery of administering Licensing Act 2003 functions through fees payable for licence applications and ongoing maintenance. The fee banding system and fee levels are currently set by Central Government via Regulation (as they have been, unchanged, since 2005). The previous government had decided in early 2015 to not activate the provisions of the Police Reform and Social Responsibility Act 2011 - section 121 of which would devolve fee setting to local licensing authorities.

7. LEGAL IMPLICATIONS/RISK MANAGEMENT

- 7.1 This report is most closely linked with the Council's Significant Business Risk No. 14 – Councils may be perceived to be untrustworthy and have a poor reputation. Operational risks 2A03 & 2A04 – If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted, and reputational harm/appeal likelihood will increase incurring financial loss.

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to review, revise and re-consult upon the policy will result in legal challenge to Council decisions under the 2003 Act (including potentially by Judicial Review)	3 – Probable	3 - Severe	Review, revise and re-consult on the Statement of Licensing Policy in accordance with the requirements of the Act, Regulations & Statutory Guidance

- 7.2 The risks that inherently apply to the Licensing Authority when carrying out its Licensing Act 2003 functions relate to promotion of the licensing objectives, which are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

8. CONSULTATIONS

- 8.1 This will be the fifth edition of the Council's 'Statement of Licensing Policy' under the Licensing Act 2003. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation took place over a period of four weeks, through various channels/media.
- 8.2 Adoption of the Licensing Act 2003 'Statement of Licensing Policy' is a function reserved for full Council.
- 8.3 Following the consultation exercise Mid Suffolk District Council did not receive any responses. Therefore no further changes are required to be made to the draft 'Statement of Licensing Policy'.

9. EQUALITY ANALYSIS

- 9.1 There are no equality implications arising directly from this report. This is a statutory revision to an existing policy. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and has had due regard to any comments received during the policy consultation on equality issues.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no direct Environmental Implications arising from this report.

11. APPENDICES

Title	Location
(a) Statement of Licensing Policy (2021-2026) - DRAFT	Attached
(b) Summary of the changes made to the draft Statement of Licensing Policy document	Attached
(c) Consultee List (summary)	Attached

12. BACKGROUND DOCUMENTS

12.1 Licensing Act 2003

12.2 Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003