



Report Reference Number: L/20/2

To: Licensing Committee
Date: 20 August 2020
Status: Non Key Decision
Ward(s) Affected: Whole District
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Lead Executive Member: Councillor Pearson, Lead Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Review of Statement of Licensing Policy

Summary:

The Licensing Act 2003 (“the 2003 Act”) requires a licensing authority to prepare and publish a Statement of Licensing Policy (“the Policy”) at least every five years. The current Policy expires at the end of 2020.

Following a six-week consultation between 29 June 2020 to 10 August 2020, 3 responses have been received from the Environmental Health team, North Yorkshire Police and North Yorkshire Public Health. It should also be noted that prior to the consultation period the Police commented on the current Policy and any relevant recommendations were made.

All consultation responses have been considered and the proposed amendments to the Policy have been made, which are shown in additional tracked changes in Appendix A.

Recommendations

Members are recommended to:

- i. Consider the results of the public consultation exercise as summarised in Appendix B of the report.
- ii. Recommend to Full Council that the amended Statement of Licensing Policy attached to this report at Appendix A be adopted.

1. Introduction and background

- 1.1. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a Policy at least every five years. During the five-year period, the

Policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

- 1.2. The general aim of the Policy is 'to seek a balance which is considered to be generally sound between the benefits that licensed premises bring to the district; and maintaining the protection of the public'. This is achieved by the overriding aim of the Policy, which is to promote the four licensing objectives:
 - 1) The prevention of crime and disorder
 - 2) Public safety
 - 3) The prevention of public nuisance
 - 4) The protection of children from harm
- 1.3. The existing Policy for Selby District Council became effective on the 1 December 2015. As such the current Policy expires in December 2020.
- 1.4. The process towards publishing a revised Policy commenced in January 2020, with an officer reviewing the existing Policy, taking into account the current statutory guidance issued by the Secretary of State under section 182 of the 2003 Act and updated legislation. As Members are aware, due to the COVID-19 pandemic affecting Council meetings, there was a delay in obtaining authority to consult from the Executive.
- 1.5. In accordance with Government Code of Practice on consultation the draft statement was subject to a six-week public consultation between 29 June and 10 August 2020. This was undertaken by directly contacting the relevant responsible authorities and the licensed trade. It was also published on the Council's website and Facebook.
- 1.6. A total of 3 responses were received to the consultation (Appendix B). The responses were from the Councils Environmental Health Team, North Yorkshire Police and North Yorkshire Public Health.
- 1.7. As the Policy Review Committee was adjourned on the 4 August 2020, Members comments have been sought via email. Any comments will be verbally updated.
- 1.8. All responses were considered by officers. Appendix B details the specific considerations and actions taken in relation to the consultation responses.
- 1.9. Since the last revision of the Policy, the Statutory Guidance, issued under Section 182 of the 2003 Act has been amended. Where appropriate the draft Policy was amended accordingly.

2. Legal Implications

- 2.1. Pursuant to the 2003 Act, Selby District Council is the Licensing Authority, which is responsible for licensing alcohol, entertainment and late night

refreshments in its District. The Council is required under Section 5 of the 2003 Act to determine and publish a Policy every five years.

2.2. When preparing and determining its Policy, the Council is exercising a licensing function and as such must have regard to the following:

- (a) Promote the four licensing objectives:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm;
- (b) Statutory guidance issued by the Secretary of State under section 182 of the 2003 Act;
- (c) The 2003 Act; and
- (d) Give appropriate weight to the views of those persons/bodies listed in section 5(3) of the 2003 Act which it is required to consult before determining the Policy.

2.3. The Policy should not be inconsistent with the provisions of the 2003 Act or with obligations placed on the Council under any other legislation, such as human rights/equalities provisions. It should be noted that the Council has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its licensing functions, to do all it can to prevent crime and disorder in its District. In addition, the Council will seek to support strategies and policies where they are allied to the Licensing Objectives.

2.4. The Council must have due regard to the public sector equality duty which is contained within the Equality Act 2010. An Equalities Impact Assessment has been carried out. A copy of this assessment can be requested from the background documents.

2.5. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, requires that the final approval of the Policy is given by Full Council.

2.6. Failure to review the Policy and follow the correct procedures would mean the Council was not complying with its statutory duty and would leave the Council open to legal challenge and any subsequent costs.

3. Financial Implications

3.1. There are no financial implications.

4. Policy and Risk Implications

4.1. Failure to have an up to date Policy would result in the lack of a decision-making framework for the Council to refer to when responding to Licensing

applications. Having a Policy in place will help to ensure that businesses and the public are clear on the Councils position concerning the 2003 Act, including details of how the licensing objectives should be promoted in Selby District.

5. Conclusion

- 5.1.** Adoption of the revised Policy and the measures within it will support the statutory position and help protect public safety.
- 5.2.** The Licensing Committee to consider the consultation responses and to recommend to Full Council that the amended Policy be adopted.

6. Appendices

Appendix A – proposed Statement of Licensing Policy
Appendix B – Consultation responses

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