



Report Reference Number: E/20/1

To: Executive Committee
Date: 11 June 2020
Status: Non-Key Decision
Ward(s) Affected: All
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Lead Executive Member: Councillor Chris Pearson, Lead Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Statement of Licensing Policy 2020

Summary:

All local authorities have to determine and publish a Statement of Licensing Policy every 5 years. The purpose of the policy is to define how the responsibilities under the Licensing Act 2003 (“the 2003 Act”) are going to be exercised and administered.

A statutory consultation process will take place and there will be the opportunity for the local community to comment on the proposed Statement of Licensing Policy 2020 (“the Policy”).

1. Recommendations:

The Committee are recommended to: -

- i. To note the draft Statement of Licensing Policy 2020 as attached at Appendix 1; and
- ii. Approve the proposed policy for consultation.

2. Introduction and background

- 2.1** The Council’s current Statement of Licensing Policy was adopted by the Council on the 1 December 2015.
- 2.2** Selby District Council is a Licensing Authority under the 2003 Act. As a Licensing Authority the Council must determine and publish its Statement of Licensing Policy every 5 years.
- 2.3** In determining the Policy, the Council must carry out the statutory consultation as provided by the 2003 Act.

2.4 The 2003 Act gives Local Authorities a range of responsibilities relating to licensing. The Policy states how the Council will exercise its authority.

2.5 The Policy covers the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objectives for the authority which are set by legislative requirements.
- The Licensing Authority approach to regulation
- The scheme of delegation

2.6 The Policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.

The proposed Policy for determination has taken into account the legislative changes that will affect the Policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last 5 years.

2.7 The Statutory Consultation requirements consist of:-

- The Chief Officer of Police for the Licensing Authority area
- The Fire and Rescue Authority for the area
- Such persons as the Licensing Authority consider to be representative of holders of existing premises or personal licences
- Such persons as the Licensing Authority considers to be representative of holders of existing club premises certificates issued by the authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
- Director of Public Health

2.8 The current revisions consider legislative changes to the current policy and the main changes include the following:

- Addition of the Home Office Immigration Enforcement Unit as a responsible authority under the Immigration Act 2016
- Deregulation of entertainment

2.9 The timetable for the Policy is:

Date	Process
3 February 2020	Licensing Committee to note the Policy and to provide comments/recommendations.
11 June 2020	Executive Committee to approve consultation and consider

	comments/recommendations.
29 June 2020 – 10 August 2020	Public/Statutory consultation
TBC	Licensing Committee to update on Consultation feedback
TBC	Policy Review update on consultation and responses
TBC	Executive Committee to note and recommend approval of the Policy.
TBC	Full Council for approval of the Policy

2.10 The Public Health Team will be consulted and will be in a position to add further considerations in relation to maximum strength alcohol and pricing strategies’.

2.11 The proposed Policy is attached (Appendix 1) showing amendments to the Policy by tracked changes.

2.12 This report and the proposed policy was heard by the Licensing Committee on the 3 February 2020, who had no comments to make.

3. Implications

3.1 Legal Implications

3.1.1. 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 Statement of its Licensing Policy every five years.

3.1.2. When preparing and determining its Statement of Licensing 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.

- 3.1.3. 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.
- 3.1.4. 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.
- 3.1.5. 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.
- 3.1.6. 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.
- 3.1.7. The Coronavirus Act 2020 and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 were introduced to provide the Government with emergency powers to handle the COVID-19 pandemic.
- 3.1.8. On 20 March 2020 the Government announced restrictions on businesses (bars, public houses, restaurants and cafes) selling food or drink for onsite consumption and required that from 2pm on 21 March 2020, those businesses to close any premises, or part of the premises in which food or drink are sold for consumption on the premises (allowed to provide takeaway food from 24 March 2020).
- 3.1.9. In accordance with the Government's strategy plan, the industry must remain closed until the beginning of July at the earliest and must meet the Covid-19 Secure guidelines before they can re-open.
- 3.1.10. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 must be reviewed every 28 days and if not previously revoked, these Regulations will expire after 6 months.

4. Financial Implications

Any additional administration costs will be considered when reviewing the application fee in accordance with the corporate charging policy.

4.1 Policy and Risk Implications

No foreseen impacts.

4.2 Corporate Plan Implications

The consultation process, although not necessary, will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the Policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

4.3 Resource Implications

N/A

4.4 Other Implications

N/A

5. Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

6. Conclusion

6.1 Adoption of the revised Policy and the measures within it will support the statutory position and help protect public safety.

7. Background Documents

Equality Impact Assessment

8. Appendices

Appendix 1 – Proposed Statement of Licensing Policy 2020

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