

BRECKLAND DISTRICT COUNCIL

Report of: Sarah Shipley – Shared Public Protection Manager

To: Committee of the Licensing Authority - 21 October 2020

Author: Josie Hoven – Licensing Team Leader

Subject: Revised Statement of Licensing Policy (Licensing Act 2003)

Purpose: Consideration of the draft revised statement of Licensing Policy and refer the final approved Policy to Full Council for adoption

Recommendation(s):

- 1) That in order for Breckland Council, as the licensing authority, to discharge its statutory duties under the Licensing Act 2003, the Licensing Committee and then Full Council approve the revised Statement of Licensing Policy.

1.0 BACKGROUND

- 1.1 On 24th November 2005, Breckland Council became the Licensing Authority under the provisions of the Licensing Act 2003 for the retail sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment with the Breckland district.
- 1.2 Section 5 of the Licensing Act 2003 requires Breckland Council, as a Licensing Authority, to prepare and publish a statement of its Licensing Policy at least every five years. This policy must also be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate. The current Statement of Licensing Policy came into force on 7th January 2016. A copy is attached as Appendix A.
- 1.3 In order to comply with the legislative requirements the current Statement of Licensing Policy must be reviewed, revised and published by 7th January 2021. The Licensing Team Leader has completed a review of the current Statement of Licensing Policy which has not been amended since 7th January 2016. The revised draft does not alter the approach to making decisions from that which is already in place. The revision changes have taken into account various legislative changes which have occurred since the previous revision. The proposed draft revised Statement of Licensing Policy is attached as Appendix B (changes have been highlighted).
- 1.4 The revised Statement of Licensing Policy seeks to provide guidance to applicants and other persons on the general approach that Breckland Council will take in terms of determining all licences under the licensing Act 2003 with the overriding aim of promoting the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

- 1.5 As part of this process the draft revised statement must be consulted on before its adoption by Council. Section 5(3) of the Licensing Act 2003 prescribes a list of those persons that the licensing authority must consult. Those are:
- a) the Chief Constable for Norfolk Constabulary;
 - b) the Norfolk Fire and Rescue Service;
 - c) persons/bodies representative of local holders of premises licences
 - d) persons/bodies representative of local holders of club premises certificates;
 - e) persons/bodies representative of local holders of personal licences;
 - f) persons/bodies representative of business and residents in the area; and
 - g) the Director of Public Health, Norfolk County Council.

Beyond these statutory requirements it is for each licensing authority to decide the full extent of its consultations and whether any particular person or body is representative of the group described in the statute.

- 1.6 The above consultation has now taken place with the consultation period of the draft revised Statement of Licensing Policy being from 28th August 2020 to 9th October 2020 with approval from the Chairman of the Committee of the Licensing Authority. The consultation was carried out in accordance with the Licensing Act 2003, using email where possible or letters if not.
- 1.7 The draft statement was also placed on the Council's website, tweeted and on the Council's facebook page. Two responses were received;
1. Breckland Planning Department stating no comment and
 2. A member of the public commented "*I think much more should be done to explain to consumers what safe limits of alcohol are and the penalties for anti-social behaviour etc. Pictures may be much more effective than text especially for migrant residents', so they are helped to understand out laws*".

2.0 **OPTIONS**

- 2.1 The options for the Committee of the Licensing Authority are limited as the process is legislative and dictated by the Licensing Act 2003. The Council has no discretion as to making the Statement of Licensing Policy, although there is some discretion as to the content of the statement.

2.2 The Committee of the Licensing Authority may;-

- 1) Consider the draft revised Statement of Licensing Policy and approve it, and refer the Statement of Licensing Policy to Full Council for adoption; or
- 2) Do nothing

3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 To ensure that Breckland Council acting as the Licensing Authority can discharge its statutory duties under the Licensing Act 2003.

4.0 **EXPECTED BENEFITS**

- 4.1 Statutory compliance.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Constitution & Legal**

- 5.1.1 If the Authority does not produce a revised Statement of Licensing Policy and related procedures within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge by persons wishing to make such applications. Furthermore, the Authority will also have failed to comply with its legal obligations under the Licensing Act 2003 and could face challenge.

5.2 **Corporate Priorities**

- 5.2.1 Your Place, Your health and wellbeing, Your Opportunity.

5.3 **Crime and Disorder**

- 5.3.1 Norfolk Constabulary were consulted as a Responsible Authority under the legislation but made no comment.

5.4 **Equality and Diversity / Human Rights**

- 5.4.1 These are contained within the policy.

5.5 **Risk Management**

- 5.5.1 If the Authority does not produce a revised Statement of Licensing Policy and related procedures within the statutory timescale, there is a risk that the Authority will not be in a position to process applications, leaving the Authority open to challenge by persons wishing to make such applications. Furthermore, the Authority will also have failed to comply with its legal obligations under the Licensing Act 2003 and could face challenge.

5.6 **Safeguarding**

- 5.6.1 The revised policy sets out how the Authority expects applicants to include safeguarding of children and the vulnerable under the Licensing Act 2003.

6.0 **WARDS/COMMUNITIES AFFECTED**

- 6.1 All wards.

7.0 **ACRONYMS**

- 7.1 None

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service.

Appendices attached to this report:

Appendix A Current Statement of Licensing Policy

Appendix B Draft revised Statement of Licensing Policy