

## BRECKLAND DISTRICT COUNCIL

**Report of:** Gordon Bambridge - Executive Member for Environmental Services and Public Protection

**To:** Full Council – 10<sup>th</sup> December 2020

**Author:** Josie Hoven – Licensing Team Leader

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

**Purpose:** To approve the Councils Statement of Licensing Policy following the recommendation from the Committee of the Licensing Authority.

### **Recommend to FULL COUNCIL:**

- 1) That in order for Breckland Council, as the Licensing Authority, to discharge its statutory duties under the Licensing Act 2003, Council approves and adopts the revised Statement of Licensing Policy.

### **1.0 BACKGROUND**

- 1.1 On 24<sup>th</sup> 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 within 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. The current Statement of Licensing Policy came into force on 7<sup>th</sup> January 2016.
- 1.3 In order to comply with legislative requirements the current Statement of Licensing Policy must be reviewed, revised and published by 7<sup>th</sup> January 2021. The revised policy does not alter the approach to making decision from that which already takes place. The revision changes have taken into account various legislative changes which have occurred since the previous revision. The proposed revised Statement of Licensing Policy is attached as Appendix A (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 The consultation has now taken place in line with the requirements of the Licensing Act 2003, and the results were considered by the Committee of the Licensing Authority at its meeting on 21<sup>st</sup> October 2020, the policy was subsequently agreed with a recommendation to full Council for final approval.

## 2.0 **OPTIONS**

- 1). Adopt the revised Statement of Licensing Policy
- 2). Agree amendments to the revised Statement of Licensing Policy and adopt.

## 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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Background papers:- Licensing Act 2003

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

**Appendices attached to this report:**

Appendix A Copy of revised Statement of Licensing Policy (changes highlighted)