



B O S T O N B O R O U G H C O U N C I L

REPORT TO:	LICENSING COMMITTEE
DATE:	11 AUGUST 2020
SUBJECT:	LICENSING ACT 2003 – DRAFT STATEMENT OF LICENSING POLICY
PORTFOLIO HOLDER:	COUNCILLOR Y STEVENS
REPORT AUTHOR:	FIONA WHITE – LICENSING & LANDCHARGES MANAGER
EXEMPT REPORT?	NO

SUMMARY

The Licensing Authority is required, every 5 years, to consult on and publish a statement setting out its policy for the exercise of its functions under the Licensing Act 2003 for the sale of alcohol and the provision of regulated entertainment and late night refreshment with a view to promoting the licensing objectives of:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public safety; and
- The protection of children from harm.

The draft Statement of Licensing Policy is attached at **Appendix A** for members' review and amendment. Proposed changes to the existing Statement are detailed in red.

The committee is requested to review and amend the draft Statement of Licensing Policy and publish for consultation in accordance with the requirements of the Licensing Act 2003. Following consultation, a schedule of responses will be brought back to the committee for consideration and for a final draft to be approved, with a recommendation it be referred to Full Council for adoption.

RECOMMENDATIONS

1. The committee review and amend the draft Statement of Licensing Policy, publishing the resulting for consultation as required under the provisions of the Licensing Act 2003.

REASONS FOR RECOMMENDATIONS

1. To enable the committee to consider the draft revised Statement of Licensing Policy and to make any amendments prior to the draft being consulted on.

ALTERNATIVES CONSIDERED

1. The Licensing Committee resolve not to approve the draft Statement of Licensing Policy.

1. Background

- 1.1 The Licensing Act 2003 requires a Licensing Authority to carry out its functions under the legislation with a view to promoting the licensing objectives and must publish a statement setting out its policy. The licensing objectives are:
- The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public safety; and
 - The protection of children from harm.
- 1.2 Section 5 of the Licensing Act 2003 (the Act) states that each Licensing Authority must, in respect of each 5 year period, determine its policy regarding the exercise of its licensing functions and publish a statement. This council's Statement of Licensing Policy was last revised and adopted in 2015.
- 1.3 While the Statement of Licensing Policy may set out a general approach to making licensing decisions, it must not ignore or be inconsistent with the provisions of the Act. For example it must not undermine the right of any person to apply under the terms of the Licensing Act 2003 for a variety of permissions and to have any such application considered on its individual merits. Similarly the policy must not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 1.4 The Statement of Licensing Policy should make it clear that licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. When conditions are attached to authorisations they will be focused on matters which are within the control of individual licence holders and others with relevant authorisations i.e. within the premises and it's vicinity.
- 1.5 The policy should make it clear that licensing law is not the primary mechanism for general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

2. The Draft Statement of Licensing Policy

- 2.1 The draft Statement of Licensing Policy is attached at Appendix A. A number of amendments, some required to reflect changes in the legislation, have been made to the existing Statement of Licensing Policy to produce an initial draft. Any changes to the existing statement are detailed in red.
- 2.2 Members of the committee are requested to review and amend the Statement of Licensing Policy.

3.0 Consultation

- 3.1 Following consideration of the initial draft policy by the Licensing Committee the policy must be consulted on. The Licensing Authority must consult:

- The Chief Officer of Police for the Licensing Authority's area;
- The Fire Authority for the area;
- The Director of Public Health for the area;
- Such persons considered to be representative of holders of premises licences;
- Such persons considered to be representative of holders of club premises certificates;
- Such persons considered to be representative of holders of personal licences; and
- Such other persons considered to be representative of businesses and residents in the area.

The Licensing Authority will also consult all responsible authorities named in the Act, elected members and parish councils. The responsible authorities are:

- The Fire Authority
- Environmental Health (Pollution)
- Environmental Health (Health and Safety)
- Health and Safety Executive
- The Planning Authority
- Trading Standards
- Public Health Body for the area
- Lincolnshire Safeguarding Children Board
- British Waterways
- Maritime and Coastguard Agency
- Environment Agency

- 3.2 It is a requirement that the views of all consultees are given proper weight when determining the policy. To meet this requirement, following consultation, a schedule of responses will be brought back to the Licensing Committee for consideration. Where appropriate and

agreed, amendments to address the responses will be integrated into the final draft Statement of Licensing Policy along with any further amendments required by the committee at that stage.

3.3 Following approval of the final draft Statement of Licensing Policy by the Licensing Committee a recommendation will be made to that committee that the policy be referred to Full Council for adoption, following which the policy will be published.

3.4 The committee are requested to resolve that the draft policy be consulted on as required under the provisions of the Licensing Act 2003.

4. **Conclusion**

4.1 There have been a number of recent changes to the Licensing Act 2003 and therefore it is appropriate that the Statement of Licensing Policy be revised to reflect those changes. It is **RECOMMENDED** the committee reviews and amends the Statement of Licensing Policy and publish for consultation in accordance with the Licensing Act 2003.

FINANCIAL IMPLICATIONS

There are no financial implications with respect to this report. The cost for stationery and postage for full consultation, estimated at a maximum of £100, will be met from existing budgets. Consultation will, as far as practicable, be carried out electronically to keep costs to a minimum.

LEGAL IMPLICATIONS

The licensing authority is required, in accordance with the Licensing Act 2003 to review and publish its Statement of Licensing Policy every 5 years.

CLIMATE CHANGE IMPLICATIONS

None

EQUALITY AND SAFEGUARDING IMPLICATIONS

An equality impact assessment will be undertaken in respect of the revised policy

There is a licensing objective of the prevention of children from harm. The Lincolnshire Safeguarding Children Board is a consultee on the revised policy.

Section 4.4 of the draft policy at Appendix A provides detail on this council's policy in respect of the prevention of children from harm licensing objective.

OTHER IMPLICATIONS

There are no risk management issues in addition to those highlighted in the legal implications above.

CONSULTATION

CMT
Monitoring Officer
Portfolio Holder for Licensing
Community Safety Manager
Environmental Health Manager

APPENDICES

Appendices are listed below and attached to the back of the report: -

<i>APPENDIX A</i>	Draft statement of Licensing Policy
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BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
<i>Guidance issued under Section 182 of the Licensing Act 2003</i>	<i>Licensing and Local Land Charges Office, Boston Borough Council</i>

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

FINANCE PROFORMA

BOSTON BOROUGH COUNCIL

PROFORMA FOR EXECUTIVE APPROVAL OF THE RELEASE OF RESOURCES
(CAPITAL AND REVENUE BUDGETS)

FROM: TIM SAMPSON

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS IN RESPECT OF THE ATTACHED

REPORT: Licensing Act 2003 – Draft Statement of Licensing Policy

REPORT DATE: 11 August 2020

OPTION 1	£ Year 1 2020/21	£ Year 2 2021/22	£ Year 3 2022/23	£ Year 4 2023/24	£ Year 5 2024/25
Revenue	100	-	-	-	-
Total Revenue	100	-	-	-	-
Cost					

Funding required:

Total capital cost £ -

Revenue cost £ 100

Considered by:

Licensing Committee

Date:

11 August
2020

Financial Services Comments

There will be no financial implications and the minimal costs will be met from existing budgets.

Risk

Procurement

Value for Money Efficiency

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.

