



# 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:	10 NOVEMBER 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 initial draft statement was considered by the Licensing Committee on 11 August 2020 and the committee agreed that a public consultation be undertaken.

A summary of the consultation responses is attached at Appendix A. The Licensing Committee is requested to review the responses and amend the draft Statement of Licensing Policy as appropriate. The committee is requested to resolve the final draft be presented to Council on 23 November 2020 with a recommendation it be adopted.

A copy of the draft Statement of Licensing Policy is attached at Appendix B.

### RECOMMENDATIONS

1. The committee reviews the responses to the public consultation and amends the draft Statement of Licensing Policy as appropriate.
2. The committee resolves the final draft Statement of Licensing Policy be presented to Council on 23 November 2020 with a recommendation it be adopted.

**REASONS FOR RECOMMENDATIONS**

1. To ensure any responses to the consultation are considered by the Licensing Committee and integrated into the draft Statement of Licensing Policy, as appropriate.
2. To ensure the policy is adopted by the council and published as required under the provisions of the Licensing Act 2003.

**ALTERNATIVES CONSIDERED**

None

## **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 The usual process is for the Licensing Committee to approve the final draft Statement of Licensing Policy and make a recommendation it be presented to council for adoption.
- 1.4 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.
- 1.5 The Licensing Committee considered the draft Statement of Licensing Policy at a meeting on 11 August 2020. The committee made some amendments to the original draft and resolved that the amended draft be consulted on.

## **2. Consultation**

- 2.1 A consultation took place between 12 August and 16 October 2020.
- 2.2 As required under the provisions of the Licensing Act 2003, the Licensing Authority consulted:
- 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.

2.3 A summary of the responses to the consultation, along with suggested amendments where appropriate is attached at Appendix A. A copy of the draft Statement of Licensing Policy is attached at Appendix B.

#### **4. Conclusion**

4.1 It is recommended the committee considers the consultation responses received and resolves to amend the draft Statement of Licensing Policy as appropriate. It is recommended the committee resolves the final draft policy be presented to Council on 23 November 2020 with a recommendation it be adopted

#### **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, was met from existing budgets. Consultation was, as far as practicable, 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 has undertaken in respect of the revised policy

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

Section 4.4 of the draft policy at Appendix B provides detail on this council's policy in respect of the protection 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**

Assistant Director Regulation  
Portfolio Holder for Environmental Services  
Consultees in accordance with paragraph 2.2

## **APPENDICES**

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

APPENDIX A	List of consultation responses
APPENDIX B	Draft statement of Licensing Policy

## **BACKGROUND PAPERS**

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

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

## **CHRONOLOGICAL HISTORY OF THIS REPORT**

<b><i>Name of body</i></b>	<b><i>Date</i></b>
Licensing Committee	11 August 2020

**BOSTON BOROUGH COUNCIL**

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

FROM: RACHEL CHATTERTON

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS  
IN RESPECT OF THE ATTACHED

**REPORT:** LICENSING ACT 2003 – DRAFT STATEMENT OF LICENSING  
POLICY

**REPORT DATE:** 10<sup>TH</sup> NOVEMBER 2020

	Year 1	Year 2	Year 3	Year 4	Year 5
	2020/21	2021/22	2022/23	2023/24	2024/25
Printing and Stationery	100	0	0	0	0
<b>Total</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Funding required:** Nil

**Considered by:** Licensing Committee  
**Date:** 10<sup>th</sup> November 2020

**Total capital cost** Nil

**Revenue cost** £100

**Financial Services Comments**

Consultation has already taken place and any associated costs were met from existing budgets.

**Risk**

None

**Procurement**

n/a

**Value for Money Efficiency**

n/a

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.