

Meeting: Cabinet
Date: 24 June 2024
Classification: Part 1
Key Decision: Yes
Title of Report: **Licensing Act 2003 – Review of Statement of Licensing Policy**

Executive Director: Alan Richards

Report Author: Adam Penn.

1. Executive Summary

- 1.1. Members are invited to consider a draft revised Licensing Policy Statement, (contained in Appendix 1), as the basis for formal consultation and to allow the Council to follow their statutory obligation set out in the Licensing Act 2003. (the Act)

2. Recommendations

- 2.1 It is recommended that Cabinet:** endorses the draft revised Policy document, enabling consultation to commence. Once consultation is complete, the final policy document will be approved by Licensing Committee before proceeding to Full Council.

3. Background

- 3.1 The Council's Statement of Policy under the Act was approved in December 2019 and came into force on 7th January 2020. It is thus imperative that the Council undertakes the review process and publishes its Statement of Policy before the beginning of 2025 when the statutory 5-year policy period ends
- 3.2 The Act requires that the policy is kept under constant review and amended before the statutory period ends where significant change is identified
- 3.3 Before determining the Policy for each five-year period, the Licensing Authority must consult:
- a) The Chief Officer of Police for the Licensing Authority's area;
 - b) The Fire Authority for that area;
 - c) The Director of Public Health for the Licensing Authority's area;

- d) Such persons as the Licensing Authority considers to be representative of the holders of Premises Licences, Club Premises Certificates and Personal Licences issued by the Authority, and
 - e) Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 3.4 The existing Policy Document utilises a format developed by Essex Licensing Officers, in an effort to promote consistency across the county.
- 3.5 Licensing authorities are required to have regard to the statutory guidance produced by The Home Office under Section 182 of the Act, and this forms the foundation of each Local Authority Licensing Policy Document. The contents of the guidance have been taken into account in preparing this report, and in setting out the proposed amendments to the Council's Policy Document.
- 3.6 Proposed Changes
- In addition to the rewording and clarifying of certain parts, the main changes made to the draft policy are as follows:
- a) References to the threat of terrorism in preparation for the implementation of The Terrorism (Protection of Premises) Act, which is due to become law during the life of this policy. (sections 10.2 and 10.8)
 - b) Stronger guidance to licensees and applicants on control measures to promote the licensing objectives (10.3,11.3 and 13.7)
 - c) A new section giving advice or minimising waste in Licensed Premises (12.7)
 - d) Additional guidance on Child safeguarding (13.10)
 - e) The removal of section 20 (electronic applications) This has been moved to appendix E.
 - f) New appendices designed to give applicants and licensees licensing guidance in one place (appendices C – E)
- 3.7 The main proposed updates are to reflect changes to the law and assist applicants and licensees to access information without the need to formally request it from the council

4. Reasons for Decisions

- 4.1 To enable The Council to comply with its statutory duty to publish a timely Statement of Policy in accordance with the provisions of Section 5 of The Licensing Act 2003

5. Other Options

- 5.1. Should the Council fail to approve a final Statement of Policy, it will be in breach of its statutory duty under Section 5 of The Licensing Act 2003.
- 5.2. The deadline for publication of the Policy is 7th January 2025.
- 5.3. It is not considered that another option exists.

6. Financial Implications

- 6.1. The annual licence fees, set by Central Government, form part of the overall budget for the Council.

7. Legal Implications

- 7.1. Failure to fully consult on the draft policy, or publish the final policy by 7th January 2025, would put the Council in breach of its statutory duty under the Act.

8. Policy Context

- 8.1 The Statement of Licensing Policy sets out the principles which Southend-on-Sea City Council, as the Licensing Authority under the Licensing Act 2003, intends to apply in discharging its functions to licence premises and individuals under the Act.

9. Carbon Impact

- 9.1. No carbon impact.

10. Equalities

- 10.1. The Policy document has been drawn up in accordance with the requirements of the legislation and the detailed measures contained in the statutory guidance to licensing authorities. An equalities assessment will be undertaken to take account of responses to the consultation process.

11. Consultation

- 11.1. Following consideration by Cabinet, it will be necessary to commence full public consultation on the draft. The consultation period will be 6 weeks, followed by assessment of responses and formulation of a final report and final policy document revision. These documents would need to progress through Cabinet in November and to Council in December 2024. (See section 3.3 above).

12. Appendices

- 12.1. **Appendix 1**: Draft Statement of Licensing Policy.

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	02/05/24
Monitoring Officer	Susan Zeiss	01/05/24
Executive Director(s)	Alan Richards	01/05/24
Relevant Cabinet Member(s)	Cllr Ian Gilbert	26/05/24