

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Deputy Chief Executive (Place)

to  
**Cabinet**  
on  
**5<sup>th</sup> November 2019**

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## Licensing Act 2003 – Review of Statement of Licensing Policy

**Relevant Scrutiny Committee(s)**  
**Executive Councillor: Councillor Terry**  
**Part 1 (Public Agenda Item) / Part 2**

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### **1. Purpose of Report**

- 1.1 To describe the recent formal consultation process and review the responses received.
- 1.2 To set out a proposed final revision for the Statement of Licensing Policy. **(Appendix 1).**

### **2. Recommendations**

#### **2.1 That the Cabinet recommend to the Council:-**

**That the Statement of Licensing Policy set out in Appendix 1 to this report be adopted.**

### **3. Background**

- 3.1 On 25th June 2019, the Cabinet considered and approved a report which set out a draft of the revised Statement of Licensing Policy, as the basis for a formal consultation process.
- 3.2 The Council's current Statement of Policy under the Act was approved in December 2014, and came into force on 7th January 2015. It can last for a maximum of 5 years but can be reviewed at any time. As that 5 year anniversary is now approaching, it is imperative that the Council undertakes the review process and publishes its Statement of Policy before the beginning of 2020 to avoid breaching its statutory duty.

- 3.3 Formal consultation commenced on 29<sup>th</sup> July 2019, with a request that responses be received by 8<sup>th</sup> September 2019. The consultation exercise involved in the following elements:-
- a) The despatch of an explanatory letter to a selection of licensed premises and registered clubs, advising of the review and the availability of the draft document.
  - b) An explanatory email and link to a copy of the draft revision was sent to the statutory "responsible authorities", and to relevant services within the Council. The Community Safety Partnership were specifically notified as were Southend BID / Purple Flag Group and the 3 'pubwatch's' including a link to the draft going to every member of these organisations.
  - c) Officers met individually with the responsible authorities, where requested.
  - d) A letter was sent to known residents' and tenants' groups within the Town, and also to certain legal firms known to act regularly for licensed premises locally.
  - e) Approximately 250 individuals and organisations were directly invited to comment together with those listed above. These included local representative groups such as business and resident Focus Groups, Faith Groups, Equality Groups and other voluntary organisations, the Citizens Advice Bureau, and organisations which have an influence on the night time economy.
  - f) The same material, with a link to the draft review document, was placed on the Council's website in the consultation section.
  - g) Officer presentations to specific groups, including Southend, Leigh and Shoebury Pub watches and the Community Action Group.
  - h) Continuing response to enquiries, and requests for copies of the draft revision.
  - i) Regular entries on corporate Twitter and Facebook accounts.
  - j) The issuing of a press release at the start of the consultation process.
- 3.4 Seven written responses have been received, which compares to twenty-one written responses to the original Policy Consultation in 2004, twelve in 2007, twenty-five in 2010 and eight in 2014. The table at **Appendix 2** shows the key points of the respondents.
- 3.5 The response from the Police supported the Policy.
- 3.6 A round-up presentation was given to the Licensing Committee on 5<sup>th</sup> September 2019. The Committee examined the proposed Policy section by section and a number of points were clarified by the Licensing Officer. It was resolved that the Policy should be recommended for approval at Cabinet and Council in its present form with a rewording to section 10.4. At the time of this consultation, six responses had been received.
- 3.7 All responses have been acknowledged and carefully assessed. Where that analysis indicates the need for changes to the original draft Policy, such changes have been incorporated in the document now put forward for approval. These changes are outlined in the final column of Appendix 2 and detailed in column 4.

- 3.8 The changes from the 2015 Policy include measures to address the increased reporting of antisocial behaviour in external areas of licensed premises' (and beyond) and clearer guidance on the links between Planning and Licensing. We've made some positive changes and we've listened as a result of the consultation to make sure we have the tools to tackle these issues'

#### **4. Other Options**

There are no other options. Failure to fully consult on the draft Policy, or publish the final Policy by 7th January 2020, would put the Council in breach of its statutory duty under the Act.

#### **5. Reasons for Recommendations**

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.

#### **6. Corporate Implications**

##### 6.1 Contribution to the Southend 2050 Road Map.

6.1.1 The Council's ambition of 'Safe and Well' is supported by the 'licensing objectives' of the Act. The development of a Licensing Policy establishes how the Council will determine applications therefore supporting the 'Opportunity and Prosperity' ambition. The revised Policy links to the 2050 vision at section 14.8.

6.1.2 The Licensing Policy is a delivery mechanism for the Harmful Behaviours Strategy which is also a key outcome for 'Safe and Well'.

##### 6.2 Financial Implications

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

##### 6.3 Legal Implications

6.3.1 Failure to fully consult on the draft Policy, or publish the final Policy by 7th January 2020, would put the Council in breach of its statutory duty under the Act.

##### 6.4 People Implications

6.4.1 No people implications.

##### 6.5 Property Implications

6.5.1 No property implications.

##### 6.6 Consultation

6.6.1 The consultation arrangements are set out in the Act itself, and are covered in the Home Office statutory guidance to licensing authorities. Consultation procedures were undertaken in accordance with these requirements and are outlined in section 3 of this report.

## 6.7 Equalities and Diversity Implications

6.7.1 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 has been undertaken to take account of responses to the consultation process.

## 6.8 Risk Assessment

6.8.1 Failure to fully consult on the draft Policy, or publish the final Policy by 7th January 2020, would put the Council in breach of its statutory duty under the Act.

## 6.9 Value for Money

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

## 6.10 Community Safety Implications

6.10.1 The 'Licensing Objectives' of control of 'prevention of crime and disorder' and 'prevention of public nuisance', are key elements in the effective administration of the legislation. There is a dedicated section of the Policy in respect to the 'protection of children from harm' and this section strongly promotes measures linked to this objective. The Act does not have a specific objective for the protection of vulnerable persons and as such the authority is prevented from addressing this matter directly, however this theme cuts across a number of the other objectives.

## 6.11 Environmental Impact

6.11.1 None.

## 7. Background Papers

7.1 The Licensing Act 2003 and associated Regulations.

7.2 The Home Office Guidance to Licensing Authorities, April 2018 edition.

7.3 Responses to the public consultation exercise.

## 8. Appendices

8.1.1 Appendix 1 - Proposed final Statement of Licensing Policy.

8.1.2 Appendix 2 - Table showing key points of consultation responses.