

# Statement of Licensing Policy – Licensing Act 2003

Councillor Angela Lax

Date: 15<sup>th</sup> December 2020

Agenda Item: 12

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Key Decision? **NO**

Local Ward

Members



**Full Council**

## 1. Executive Summary

- 1.1 At their meeting on 28<sup>th</sup> September 2020 Regulatory & Licensing Committee agreed to recommend the retention and extension of the current Licensing Policy due to the impact of the Coronavirus pandemic. On this basis a full policy review would be carried out during the extension period once the relevant licensing activity was back up and running and a period of some stability established.
- 1.2 Full Council are now being asked to approve for adoption the Council's Statement of Licensing Policy 2021 - 2026.

## 2. Recommendations

- 2.1 That the policy statement as attached at Appendix A be adopted by Full Council.

## 3. Background

- 3.1 The Licensing Act 2003 provides a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. These activities are referred in the Act as licensable activities.
- 3.2 Section 5 of the Licensing Act 2003 requires that the District Council as the Licensing Authority prepare and publish a Statement of Licensing Policy at least every five years. During the five year period the policy must be kept under review and the licensing authority may make any revisions to it as it considered appropriate.
- 3.3 The Licensing Authority was due to prepare and consult on a revised statement of licensing policy for 2021 – 2026 during this year. However due to the Coronavirus pandemic this authority was concerned about its ability to carry out an effective review because of not being able to fully engage with the local trade and residents. In addition, the Saturation Policy which forms part of the Licensing Policy needs to be reviewed. The Saturation Policy addresses the impact of premises licensed and covers Bird Street (up to the junction with Swan Road, Lichfield and Market Street (from its junction with Bird Street to its junction with the Market place, Lichfield. This policy provides a decision making framework for applications in the area covered by the policy and requires the authority to consider the impact a new licensed premises would have within the special saturation area. At this moment in time it is difficult to determine whether this policy needs to be retained going forward. In the event of any closures of premises in the saturation area then the policy may no longer be justified and it is impossible to forecast this position at this moment in time.
- 3.4 For these reasons members are asked to consider the retention of the existing policy with a view to conduct a detailed review when possible, within the next 5 year cycle.

- 3.5 The Local Government Association is supportive of this approach. We also sought legal advice from Southern Staffordshire Legal Services who are also in agreement with this approach.
- 3.6 We therefore are advising members to re adopt the existing policy for a further 5 years, with the understanding that a full review of that policy will be undertaken once some level of normality has returned.

Alternative Options	1.The Licensing Authority could have commenced a full review of the Licensing Policy. However due to the current coronavirus position this authority was concerned about its ability to carry out an effective review because of not being able to fully engage with the local trade and residents and assess the Saturation Policy.
Consultation	1. We consulted with the Responsible authorities as defined within the Licensing Act 2003 and South Staffordshire Legal Services
Financial Implications	1. All fees associated with the Licensing Act 2003 are Statutory. 2. There are no financial issues arising from this Report
Contribution to the Delivery of the Strategic Plan	1. The Licensing Policy contributes to the Strategic Plan outcomes of enabling people, shaping place and developing prosperity.
Equality, Diversity and Human Rights Implications	1 Equality impacts: The subject of this Report is a policy that is being re adopted with no amendments. Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed. Human Rights: There are no Human Rights issues arising from this Report
Crime & Safety Issues	1. The policy will assist the Local Authority in exercising its duties and responsibilities under the Licensing Act 2003.
Environmental Impact	1. The Saturation Policy seeks to minimise the cumulative impact of licensed premises.
GDPR/Privacy Impact Assessment	1. Indicate whether a Privacy Impact Assessment has been undertaken The Policy as such does not involve the sharing of any personal data.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Objection to the readoption of the existing policy	Key partners have been consulted and are in support of the read option of the existing policy	Green
B			
C			
D			
E			

## Background documents

Appendix A – Statement of Licensing Policy 2021 - 2026

## Relevant web links

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>