

CABINET MEETING – 20 June 2024

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Licensing Act 2003 – Approval of the Council’s Statement of Licensing Policy

Author(s):

Executive Director of City Development

Purpose of Report:

To inform Cabinet of the draft revised Statement of Licensing Policy which will be referred to Scrutiny Committee for comment and subsequently Council for approval.

Description of Decision:

Cabinet is asked to:

- a. Provide comment on the draft revised Statement of Licensing Policy (Appendix 2), which will be referred to Economic Prosperity Scrutiny Committee for their consideration; and
- b. Cabinet is further requested to give delegated authority to the Executive Director of City Development, in consultation with the Portfolio Holder for Environment and Transport, to make any amendments to the Policy that are considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, prior to it being referred to Council for approval.
- c. Recommend Council to note and endorse the Terms of Reference of the Licensing and Regulatory Committee attached at Appendix 3 which have been updated to reflect current delegated responsibilities.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To enable the Council to comply with the statutory obligation to publish a Statement of Licensing Policy.

Alternative options to be considered and recommended to be rejected:

None

Impacts analysed.

Equality **Privacy** **Sustainability** **Crime and Disorder**

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28-day Notice of Decisions? Yes
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CABINET – 20 JUNE 2024

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Report of the Executive Director of City Development

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Cabinet of the draft revised Statement of Licensing Policy which will be referred to Scrutiny Committee for comment and subsequently Council for approval.

2.0 DESCRIPTION OF RECOMMENDATION

- 2.1 Cabinet is asked to: -
- a. Provide comment on the draft revised Statement of Licensing Policy (Appendix 2), which will be referred to Economic Prosperity Scrutiny Committee for their consideration; and
 - b. Cabinet is further requested to give delegated authority to the Executive Director of City Development, in consultation with the Portfolio Holder for Environment and Transport, to make any amendments to the Policy that are considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, prior to it being referred to Council for approval.
 - c. Recommend Council to note and endorse the Terms of Reference of the Licensing and Regulatory Committee attached at Appendix 3 which have been updated to reflect current delegated responsibilities.

3.0 BACKGROUND

- 3.1 Section 5 of the Licensing Act 2003 (“the Act”) requires Licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act. Such Statements are to apply across a stated five-year period. Pursuant to the Act, the Council’s Statement of Licensing Policy must be approved by Council. The Statement of Licensing Policy is considered when the Council exercises its functions under the Licensing Act 2003.
- 3.2 The Council’s previous Licensing Policy was agreed by Council at its Meeting of the 25 November 2015 and subsequently published. It took effect on the 7th January 2016 and had application up to (and including) the 6th January 2021.
- 3.3 During each five-year period the Council must keep its Licensing Policy under review and make ‘such revisions as it considers to be appropriate’. The Policy was scheduled for review during 2020. However, due to the impact of the Coronavirus pandemic, a full review of the Policy was not possible at that time.

- 3.4 At the Ordinary Council meeting held on 18th November 2020, it was RESOLVED that the existing Statement of Licensing Policy be rolled forward as from and including the 7th of January 2021 to the 6th of January 2026, with a review of the Licensing Policy being undertaken as and when deemed appropriate to do so within the stated five-year period.
- 3.5 Officers conducted a review of the current Statement of Licensing Policy during 2023 in order that an updated policy could be brought into place to replace the rolled over policy which had originally been due for review in 2020. At their meeting of 13th November 2023, the Licensing and Regulatory Committee authorised Officers to undertake the required consultation exercise in accordance with the Act on an amended draft Licensing Policy. That consultation exercise was duly undertaken and was completed on 2nd February 2024.

4.0 CURRENT POSITION

- 4.1 As part of the consultation exercise responses were received from various respondents including the Director of Public Health and Balance. The responses are attached at **Appendix 1** and contained suggested amendments to the draft Policy.
- 4.2 Consideration has been given to the points raised. Reference is made to the document shown in **Appendix 1**. The respondents' comments are shown in the left-hand column, while Officer responses to their comments are set out in the right-hand column. Most of the points made have been accepted, with amendments being made to the Draft Policy to incorporate these.
- 4.3 The Director of Public Health's response submitted on 31 January 2024, referred to Cumulative Impact Assessments (CIA's) and Minimum Unit Pricing (MUP). Point 2 recommended that Cumulative Impact be included in the Statement of Licensing Policy and Point 3 recommended that a set of measures including minimum unit pricing be introduced over the next 12 months.
- 4.4 The Director of Public Health's wish to implement CIAs and MUP requires data and evidence to be gathered, assessed, and reviewed to inform a decision about whether there is a business case for their implementation and what measures/ areas would be affected by that implementation. As this process will necessarily take time, officers have submitted the draft revised Statement of Licensing Policy as it stands for approval, on the basis that the additional areas of policy can be adopted at a later date if Council wishes to implement these.
- 4.4.1 The Licensing and Regulatory Committee, in response to the comments from the Director of Public Health, at their meeting on 25th March 2024 authorised officers to gather, review and assess evidence in relation to CIAs and MUP. These matters will be considered by the Licensing and Regulatory Committee once this research has been carried out and as such do not currently form part of the draft revised Statement of Licensing Policy that Cabinet is being asked to consider.

- 4.5 The draft revised Policy is attached at **Appendix 2**.
- 4.6 At its Meeting held on 25th March 2024, the Licensing and Regulatory Committee, having considered the report concerning the outcome of the consultation exercise on the Council's draft Statement of Licensing Policy under the Act, **RESOLVED** as follows: -
- a) That the Final Policy Document be taken forward to the next scheduled meeting of Cabinet.
 - b) That Cabinet provides comments in response to the consultation and Final Draft
 - c) That the next scheduled Economic Prosperity Scrutiny Committee be requested to provide its comments in response to the consultation and Final Draft,
 - d) That Council amends the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development for the same to be updated and to authorise the Assistant Director of Law and Governance to amend the Constitution, accordingly, including the making of any consequential amendments.
- 4.7 The Statement of Licensing Policy is an "Article 4" Policy, which forms part of the Council's Policy Framework and as such, will be referred to Economic Prosperity Scrutiny Committee for comments. It is recommended that the Executive Director of City Development, in consultation with the Portfolio Holder for Environment and Transport be authorised to make any changes that are considered appropriate in the light of the Scrutiny Committee's comments, prior to referral of the Policy to Council.

5.0 REASONS FOR DECISION

- 5.1 To enable the Council to comply with its statutory obligations under the Licensing Act 2003 to publish a revised Statement of Licensing Policy.

6.0 ALTERNATIVE OPTIONS

- 6.1 Council has the option to leave the existing rolled over Statement of Licensing Policy in place until January 2026. However, there have been significant developments since the original adoption of this policy, and it is no longer considered fit for purpose. The Council is under a statutory duty to publish a Statement of Licensing Policy under the Act.

7.0 IMPACT ANALYSIS

- 7.1 **Equalities** – No impact
- 7.2 **Privacy Impact Assessment** - No impact

7.3 **Sustainability** – The Statement of Licensing Policy is intended to assist responsible businesses and to minimise the environmental impact of non-compliant businesses, e.g., in relation to noise pollution.

7.4 **Reduction of Crime and Disorder** – One of the objectives of the Licensing Act is the prevention of crime and disorder and this is addressed throughout the Statement of Licensing Policy.

8.0 OTHER RELEVANT CONSIDERATIONS/CONSULTATIONS

8.1 **Financial Implications** – There are no additional financial implications arising because of this report. The Council's role in ensuring compliance with the policy will be met from its annual revenue budget provision.

8.2 **Legal implications** - The Assistant Director of Law and Governance advises that the Council is under a legal duty to publish a Statement of Licensing Policy under the Act.

8.3 **The Public / External Bodies** - Statutory consultees have been consulted.

9.0 LIST OF APPENDICES

9.1 Appendix 1 - Table of responses and Officer comments

9.2 Appendix 2 - The Council's Revised Draft Statement of Licensing Policy.

9.3 Appendix 3 – Terms of Reference of the Licensing and Regulatory Committee

10.0 BACKGROUND PAPERS

10.1 None