

## **Licensing Committee**

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**Date of Meeting:** 04 March 2019

**Report Title:** Revised Statement of Licensing Policy

**Senior Officer:** Frank Jordan, Executive Director - Place

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### **1. Report Summary**

- 1.1. The Licensing Act 2003 requires that Licensing Authorities prepare and publish a statement of policy that they propose to apply when exercising their functions under the Act during the five year period to which the statement applies.
- 1.2. The Council is required to review its existing statement of policy and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Licensing Act 2003. The purpose of this report is to allow the Licensing Committee the opportunity to comment on the revision during this consultation period.

### **2. Recommendation/s**

- 2.1. That the Licensing Committee considers the content of the draft revised policy set out at appendix 1 and propose a final draft for the consideration of Cabinet and Council.

### **3. Reasons for Recommendation/s**

- 3.1. To comply with the provisions of the Licensing Act 2003, to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late night refreshment.

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

- 4.1. No other options have been considered

## 5. Background

- 5.1. As set out above, the Licensing Act 2003, requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act
- 5.2. The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2), while a number of appendices have been added, in essence the policy remains substantially the same as previous iterations.
- 5.3. The Licensing Team have not received any comments, either positive or negative, on the current policy. Similarly, the Council has not been subject to judicial challenge on the content of the policy.
- 5.4. The Statement of Licensing Policy is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Licensing Act 2003. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 5.5. The policy must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
  1. The prevention of crime and disorder
  2. Public safety
  3. The prevention of public nuisance
  4. The protection of children from harm
- 5.6. The Statement of Licensing Policy establishes a local framework for decision-making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application. It is therefore paramount that the policy sets out how the objectives will be promoted. Any matters not relevant to the promotion of the licensing objectives must be disregarded.
- 5.7. In addition to having regard to the Statement of Licensing Policy, the Licensing Authority must also have regard to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. In accordance with Section 5 of the Licensing Act 2003 the Licensing Authority is required to determine and publish a Statement of Licensing Policy.

6.1.2. The statement of policy forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the policy rests with full Council. In addition, in developing a revised statement of policy, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).

6.1.3. In order to comply with statutory requirements, the following agencies must be consulted:

1. Cheshire Constabulary
2. North West Fire and Rescue Service
3. Planning Services
4. Trading Standards (Weights and Measures Inspector)
5. Environmental Health
6. Local Safe Guarding Children Board
7. Health and Safety
8. Representatives of the local licensing trade
9. Representatives of local businesses and residents

### **6.2. Finance Implications**

6.2.1. There are no direct financial implications in relation to the decision requested. However, preparation and consultation of the revised Statement of Licensing Policy has been funded from existing licensing budgets.

### **6.3. Policy Implications**

6.3.1. The Council is required to revise and adopt a Statement of Licensing Policy every five years.

### **6.4. Equality Implications**

6.4.1. Consideration has been given to the application of the 'public sector equality duty' (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with 'protected characteristics.'

## **6.5. Human Resources Implications**

6.5.1. There are no human resource implications

## **6.6. Risk Management Implications**

6.6.1. There are no direct risk management implications

## **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities

## **6.8. Implications for Children & Young People**

6.8.1. There are no direct implications for children and young people

## **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health. However, Public Health is a statutory consultee and has influenced the revision of policy.

## **7. Ward Members Affected**

7.1. The Statement of Licensing Policy is a Borough wide policy and therefore has the potential to impact on all wards.

## **8. Consultation & Engagement**

8.1. The statement is subject to a statutory consultation process set out within the legislation.

## **9. Access to Information**

9.1. The changes made to the Statement during the revision have been logged and are attached at appendix 2 for ease of reference.

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

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