

Statement of Licensing Policy – Review

Licensing Committee

Date: 14th January 2021

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 Section 5(1) of the Licensing Act 2003 provides that each Licensing Authority must determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy for each 5 year period. The policy must be kept under review and amendments made when considered necessary.
- 1.2 A draft policy was considered by the Licensing Committee on 8th January 2015. This draft policy was subject to a full consultation with statutory stakeholders and revised amended Statement of Licensing Policy was endorsed by the Licensing Committee on 13th January 2016 and subsequently ratified by Full Council.
- 1.3 A review of the Statement of Licensing Policy is now due and although there are only minor changes to the Policy, there is a requirement to enable the review with stakeholders and public. The amended document for consultation is attached at Appendix A.

2. Recommendations

Committee is recommended to:

- 2.1 Authorise the Licensing Manager to arrange for the current Statement of Licensing Policy, attached at Appendix A to be subject to public consultation for a six week period from 25 January to 8 March 2021 in accordance with the arrangements set out in paragraph 3.7.
- 2.2 Authorise the Licensing Manager in agreement with the Chair of the Licensing Committee to make any minor typographical amendments to the document prior to consultation if required
- 2.3 Authorise the Licensing Manager to report the outcomes of the consultation exercise to the Licensing Committee at the earliest opportunity.

3 Detail

Background

- 3.1 Swindon Borough Council determined its first Statement of Licensing Policy (SLP) on 18 November 2004. This was reviewed in 2011 and the latest review being 2016.

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- 3.2 Section 5 of the Licensing 2003 Act (as amended by the Police Reform and Social Responsibility Act 2011) requires that the Council determines the policy at intervals of no greater than 5 years. Therefore the time is now right to review the Statement of Licensing Policy to ensure that it remains fit for purpose.
- 3.4 The Statement of Licensing Policy is the Council's starting point for determining applications for licensable activities. It is used as the reference point and basis for decision making on individual licenses for the full range of activities covered in licensing law. Applications for licensable activities that accord with the Statement are generally deemed to be acceptable and the Statement guides the Licensing Authority towards the imposition of appropriate conditions to enable activities to proceed.
- 3.5 The current Statement of Licensing Policy is extremely comprehensive and has worked well, being used both by officers and Licensing Panels to determine licence applications
- 3.6 The Statement of Licensing Policy is based on the 4 Licensing Principles, which are enshrined in law. These principles are;
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from harm
- 3.6 The draft Statement of Licensing Policy for consultation is attached at Appendix A. Amendments to the previous draft are highlighted in bold or strikethrough.
- 3.7 Prior to adoption the Statement of Licensing Policy must be subject to a period of public consultation. A six week period of consultation is recommended and that this commences as soon as practicable which will involve publicity through local media, the Member's Bulletin and on the website. This consultation needs to be targeted as it covers a specialist subject matter, so licensed premises will also be informed. The outcome of the consultation will be reported to Licensing Committee with the final amended document and (if endorsed) taken to Full Council for ratification.

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4 Alternative Options

- 4.1 The Statement of Licensing Policy is a statutory document with review requirements established in law. The Council could choose not to amend or review the document, though this would leave Swindon Borough Council vulnerable to licensable activities taking place without the full range of tools to be able to control them.

5 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The production and consultation arrangements associated with the Statement of Licensing Policy are covered by existing budgets.
- 5.2 There are no procurement implications arising from this report.

Legal and Human Rights Implications

- 5.3 The process of reviewing the Statement of Licensing Principles is established in law. As such there are not believed to be any human rights implications

Climate Change Impact

- 5.4 There are no direct climate change implications arising from the Statement of Licensing Policy.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 The Statement of Licensing Policy specifically seeks to reduce aspects of crime arising from, or related to, licensable activities. It also seeks to ensure that public health is maintained through the activities that we licence.

Diversity Impact Assessment

- 5.6 The extant Statement of Licensing Policy has a DIA, which will be reviewed as part of the consultation process and presented alongside the final document. Amendments proposed at Appendix A are factual and reflect changes in legislation since the adoption of the current Statement.

Risk Management

- 5.7 There is a risk that without the updates Statement of Licensing Policy, the Council would be in a weaker position to exercise appropriate controls over licensed premises and activities.

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6 Consultees

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7 Background Papers

- 7.1 None

8 Appendices

- 8.1.1 Appendix A – Statement of Licensing Policy for consultation