



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	24 September 2020

Licensing Act 2003 - Revision of Wyre's Statement of Licensing Policy

1. Purpose of report

1.1 To agree the contents of the revised draft Statement of Licensing Policy.

2. Outcomes

2.1 Finalise the draft Statement of Licensing Policy and begin a six week consultation period.

3. Recommendations

3.1 That the Licensing Committee amend and/or agree the draft Licensing Policy (**Appendix 1**).

3.2 That the Senior Licensing Officer undertakes a six week consultation with the trade and other relevant persons on the draft policy.

3.3 The Senior Licensing Officer in consultation with the Chairman, consider all the responses received and where appropriate, amend the draft policy, before presenting it to the next available meeting of full Council with a recommendation to adopt it with effect from 7 January 2021.

4. Background

4.1 Section 5 of the Licensing Act 2003 (the Act) requires Licensing Authorities to publish a Statement of Licensing Policy at least every five years. The policy is subject to public consultation including Responsible Authorities, Councillors, statutory and non-statutory bodies and licence holders.

4.2 Whilst most functions under the Act may be delegated to the Licensing Committee or its officers, the Statement of Licensing Policy must be adopted by the full Council.

4.3 In 2015 the Council's policy was subject to a comprehensive review, as it had remained relatively unchanged throughout the previous three revisions. As a result of that review, the policy was re-written and Wyre key messages were introduced, marking a substantial shift away from the

previous format which had focussed primarily on processes. The current policy was approved by full Council and adopted on 21 January 2016.

- 4.4 The Policy sets out Wyre Council’s expectations of how licensed premises should operate and what applicants should address in their applications.
- 4.5 When determining applications, members must take into account the Authority’s Statement of Licensing Policy, alongside the statutory guidance issued by the Home Office under S.182 of the Act.
- 4.6 Should the Licensing Authority’s decision be the subject of an appeal, the Magistrates Court is also required to give due consideration to the Council’s published policy.
- 4.7 The section 182 guidance indicates that while statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the Act. A statement of policy must not undermine the right of any person to apply for a variety of permissions and to have any such applications considered on their individual merits. Similarly, no statement of policy should override the right of any person to make representations on an application, or to seek a review of a licence or certificate.

5. Key issues and proposals

- 5.1 Due to the exceptional circumstances that have arisen in 2020 as a result of the pandemic, a comprehensive review of the Statement of Licensing Policy has not been undertaken.
- 5.2 The existing policy has been kept under review since 2016 and it is still considered appropriate and fit for purpose.
- 5.3 The draft policy has been updated to include reference to County Lines in the section that deals with the protection of children from harm objective and to strengthen the advice in respect of TENs, to reflect our current practice of referring TENs that are part of a larger public event to WYSAG.
- 5.4 The rest of the policy has not been materially changed as a result of this review, although it has been reformatted to satisfy the accessibility requirements for online publications.

Financial and legal implications	
finance	There are no financial implications arising directly from this report.
legal	The Licensing Authority must review and publish its Statement of Licensing Policy at least every five years. Members must take into account the Policy when determining licensing applications.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no

significant implications arising directly from this report for those issues marked with an **X**.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
Name of document	date	where available for inspection
Statement of Licensing Policy V04	21 January 2016	Licensing Office

List of appendices

Appendix 1 - Draft Statement of Licensing Policy V05