



| Report of: | Meeting | Date |
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| Mark Billington, Corporate Director Environment | Emergency Powers Non-Executive Decisions | 8 December 2020 |

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| Licensing Act 2003 - Revised Statement of Licensing Policy 2021- 2026 |
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1. Purpose of report

- 1.1** To consider the recommendation of the Licensing Committee to adopt the revised statement of licensing policy for 2021-2026.

2. Outcomes

- 2.1** To enable the proper discharge of the council's responsibilities for the regulation of licensable activities, including alcohol sales, regulated entertainment and late night refreshment under the Licensing Act 2003 (the Act).

3. Recommendation

- 3.1** That the revised statement of licensing policy v05 (**Appendix 1**) be formally adopted by the Council.

4. Background

- 4.1** Section 5 of the Act requires Licensing Authorities to publish a statement of licensing policy at least every five years. The policy is subject to full public consultation.
- 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** The Council's policy was comprehensively reviewed in 2015, 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 The current policy has been kept under review and it is still considered appropriate and fit for purpose.
- 5.2 The draft policy has been updated to include reference to County Lines in the section that deals with the protection of children from harm and to strengthen the advice in respect of Temporary Event Notices (TENs), to reflect our current practice of referring TENs that are part of a larger public event to the Wye Safety Advisory Group.
- 5.3 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.
- 5.4 Copies of the draft policy were sent directly to the Responsible Authorities. A further 360 letters were sent to Councillors, statutory and non-statutory bodies, trade associations, faith groups and licence holders about the revised policy, with details of the link to the consultation portal on the council's website. The consultation was also advertised on the Council's website and social media platforms.
- 5.5 The consultation ran for six weeks and ended on 9 November 2020
- 5.6 The Council received a total of seven responses, six through the consultation portal and one letter (**Appendix 2**). Of the six responses in the portal only one submitted any comments, and those relate to some of the suggested conditions applicants may wish to consider including in

their operating schedule and have no impact on the decision making process which the Policy provides for.

- 5.7** Fleetwood Civic Society have been contacted directly about their request for a ceiling on operating times of 02:00 hours, as this could only be achieved through the imposition of an Early Morning Restriction Order.
- 5.8** Wyre Council does not have evidence that crime and disorder associated with late night premises is anywhere near the levels required to justify such a draconian measure, but will continue to deal with individual premises whose operation undermines the Licensing Objectives, including refusing or revoking licences where appropriate.
- 5.9** The Society have also been asked to notify the licensing office of individual licensed premises where littering is causing a nuisance so that the Council can take appropriate steps to address these problems as and when they arise. Many licences include a condition about managing litter and in extreme circumstances licence holders could face prosecution for failing to comply with their conditions, where other interventions have failed.
- 5.10** In the absence of any other responses, the policy is presented as drafted for approval.

| Financial and legal implications | |
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| 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 and the Courts 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 third 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.

| report author | telephone no. | email | date |
|---------------|---------------|--|------------------|
| Niky Barrett | 01253 887236 | Niky.barrett@wyre.gov.uk | 13 November 2020 |

| 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

Appendix 2 – Consultation responses