

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

26 June 2023

REVIEW OF STATEMENT OF LICENSING POLICY LICENSING ACT 2003

FOR APPROVAL FOR CONSULTATION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/012/2023

1. Purpose

- a. The purpose of this report is to seek approval of the Licensing Committee of the draft revised Statement of Licensing Policy under the Licensing Act 2003 for public consultation.

2. Recommendation

- a. Members are requested to:
 - i. Approve the revised Statement of Licensing Policy under the Licensing Act 2003 for the purpose of consultation.

3. Executive Summary

- a. Section 5 of the Licensing Act 2003 requires licensing authorities to determine and publish a statement of policy that it proposes to apply in exercising its functions under the Act every five years.
- b. The Council's current Statement of Licensing Policy expired in January 2021, and therefore is overdue for review.
- c. The Government guidance issued under section 182 of the Act was last updated in December 2022, and so this review presents an opportunity to ensure that the Policy is consistent with current statutory guidance.

- d. Since the current Policy's publication in 2016, awareness of issues such as violence against women and girls, drink spiking and child exploitation have become increasingly more prevalent. The revised Policy seeks to address these issues and outline how the Council will work with the licensed trade to combat them.
- e. The revised Statement of Licensing Policy can be found at Appendix A with proposed additions shown in green font. Some amendments have been made to the overall layout and wording of the document to make it more accessible to our customers.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Wellbeing: The regulation of licensed premises and licensable activities aims to protect the public in line with the promotion of the four licensing objectives. By publishing this Policy, the Council has taken into consideration the local profile of the Borough and how partner agencies and operators can work together to ensure the safety of those who use licensed premises.
- b. Pride in Place: Publishing a statement of how the Council intends to exercise its functions with respect to licensable activities provides operators with transparency, enabling them to submit applications and operate their premises with full knowledge of the relevant legislation, conditions, guidance and local policies. Liaison with partner agencies and implementing a proactive enforcement programme for licensed premises may also drive improvements relating to communities, safety, and place.

6. Options considered

- a. The licensing authority is required by law to publish its Statement of Policy every five years. As the review is overdue, there are not alternative options to reviewing the Policy this year.

7. Resource implications

a. Financial implications

- i. The costs of administrating licences and permits under the Licensing Act 2003, and undertaking enforcement action where required, are covered by the Licensing Team's existing budget. Application fees are set by central Government and are set as such to ensure that the administration of applications remains cost neutral.

Section 151 Officer comments

The review does not impact or change any existing budget pressure, nor does it add any new pressures. All costs can be met within existing budgets. Therefore, this has my approval.

Steven Pink, Chief Finance Officer (S151)

Havant Borough Council

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. The revised Statement of Licensing Policy does not propose to collect or process any additional data in addition to that already covered by the Council's privacy policy. Following adoption of the revised Policy, it would be best practice to develop a new Data Protection Impact Assessment for the licensing authority's functions under the Licensing Act 2003.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. To ensure an efficient licensing service for our customers, the Council may consider developing an online application system. This would enable customers to make their applications from home, upload supplementary documents online, reduce postage and printing costs and reduce incorrectly completed applications.

8. Legal implications

- a. The Licensing Act 2003 requires the licensing authority to publish its Statement of Licensing Policy every five years. This revised Policy is proposed to cover a five year period from the date of adoption.
- b. The Policy is intended to set out the general approach that the Council will take when making licensing decisions. However, each application will be considered on its own individual merits.
- c. In producing this Policy, the Council has had regard to the licensing objectives and guidance issued under section 182 of the Licensing Act 2003. It will also take into consideration any comments received from those consulted on the Policy, making necessary amendments prior to adoption.
- d. The Licensing Authority will have regard to the licensing objectives as set out in section 4 of the Licensing Act 2003:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Monitoring Officer comments

Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy at least every five years.

Constitutionally adoption of the Licensing Policy is a matter for Full Council.

Jo McIntosh

9. Risks and mitigations

- a. Exposure to challenge: The Statement of Licensing Policy could be challenged by Judicial Review, but as an open and fair consultation will have taken place and the Council's decision-making process is considered lawful, a successful challenge is considered unlikely.
- b. Reputation: The Statement of Licensing Policy clearly outlines the Council's expectations of applicants and licensees, and details the principles that will be considered in exercising its functions as licensing authority. Aligning this Statement with statutory guidance published under section 182 of the Licensing Act 2003 demonstrates that the Council aims to achieve consistency with other licensing authorities and avoid unnecessary burdens on licensees.
- c. Timescales: The current Statement of Licensing Policy must be referred to, pending adoption of the revised Policy. It is recognised that the current Policy is overdue for review and therefore it is essential that the Council also refer to the statutory guidance issued under section 182 of the Licensing Act to ensure that decisions made are consistent with current national practices.

10. Consultation

- a. It is proposed that the draft revised Statement of Licensing Policy undergoes a 4-week public consultation process following approval by the Licensing Committee.

- b. Whilst the consultation is public and any organisation or individual may submit comments, the Council is required to specifically consult the following parties:
- The Chief of Police for the area;
 - Hampshire & IOW Fire and Rescue Authority
 - Public Health, Hampshire County Council
 - Such persons as the Licensing Authority considers to be representative of holders of premises licences;
 - Such persons as the Licensing Authority considers to be representative of holders of club premises certificates;
 - Such persons as the Licensing Authority considers to be representative of holders of personal licences;
 - Such persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- c. It is proposed to invite the submission of comments via post and email.

11. Communications

- a. The Licensing Team will work with the Council's Public Relations Team to share details of the consultation and how to make comments on the appropriate social media channels and in other public communications.

12. Appendices

- a. Appendix A: Draft Revised Statement of Licensing Policy

13. Background papers

- a. Licensing Committee – Wednesday 13 January 2016 17:00, Item 28:
Proposed Changes to the Current Licensing Act 2003 Policy

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 15/06/2023

Executive Head: Alex Robinson 15/06/2023

Monitoring Officer: Jo McIntosh 15/06/2023

Section 151 Officer: Steven Pink 13/06/2023

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