

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

16 August 2023

REVIEW OF STATEMENT OF LICENSING POLICY LICENSING ACT 2003

FOR RECOMMENDATION FOR ADOPTION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/029/2023

1. Purpose

- a. This report outlines the responses received during the consultation period for the proposed changes to the Council's current Statement of Licensing Policy under the Licensing Act 2003.

2. Recommendation

- a. Members are requested to:
 - i. Review comments received during the consultation, approve any amendments to the policy required as a result of consultation responses, and recommend the policy for adoption by Full Council.

3. Executive Summary

- a. The Council is reviewing its Statement of Licensing Policy, required under Section 5 of the Licensing Act 2003 to be published every five years. The aim is to incorporate guidance issued under section 182 of the Licensing Act 2003 and ensure that the policy is reflective of the local area profile.
- b. 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.

- c. Following a Licensing Committee meeting held on 26 June 2023, the Council sought the views of representatives of the licensed trade, representatives of those who may be affected by the Council's operation under the policy, the general public and other licensing authorities during a four-week consultation. Responses were invited in writing to the Licensing Department. The consultation period ended on 30 July 2023.

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 Council has considered the responses received during the consultation period, all of which are either neutral or in support of the proposed changes. Therefore, it is not considered that any further amendments need to be made to the proposed policy prior to it being recommended for adoption by Full Council.

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. There are no other resource implications as a result of this report.

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 has also taken into consideration comments received during the consultation, and deemed that no additional amendments are required.
- 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.

- Sarita Riley, Solicitor

Head of Legal Partnerships

Southampton, Fareham & Havant Legal Partnership

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 has 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. A four-week public consultation has been undertaken, ending on 30 July 2023. The consultation involved writing to Responsible Authorities, bodies that represent the interests of licence holders, and bodies that represent the interests of those who may be affected by the Council's operation under this policy (i.e. Residents Associations).
- b. A total of four responses were received during the consultation, all of which are either neutral or in support of the proposed changes.
- c. The responses received during the consultation are shown in full at Appendix A.

11. Communications

- a. The Licensing Team will publish its revised Statement of Licensing Policy on the Council's website following adoption.

12. Appendices

- Appendix A: Consultation Responses
- Appendix B: Draft Revised Statement of Licensing Policy

13. Background papers

- a. Licensing Committee – Monday 26 June 2023 17:00, Item 10:
Review of Statement of Licensing Policy, Licensing Act 2003
- b. 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: Cllr Elizabeth Lloyd 08/08/2023

Executive Head: c/o David Fitzgerald 08/08/2023

Monitoring Officer: c/o Sarita Riley 08/08/2023

Section 151 Officer: Steven Pink 04/08/2023

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