

**Report to:** **Licensing and Enforcement Committee**

**Date of Meeting:** 3<sup>rd</sup> September 2020

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Subject:** **Licensing Act 2003 – To seek approval to consult on the draft Statement of Licensing Policy**

**Purpose of report:** This report updates the Licensing & Enforcement Committee on the review of the Council's Statement of Licensing (Act 2003) Policy and seeks approval to commence the consultation process on the draft policy which has been updated in the light of recent changes in legislation and experience over the past five years.

**Recommendation:** **That the Committee consider this draft Statement of Licensing Policy (attached Appendix B) and give approval for the Licensing Service to start the formal public consultation process that is required by the legislation.**

**Reason for recommendation:** It is a legal requirement of the Act for the Council to determine a Licensing Policy in order to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The Policy was last reviewed in 2015. It must be reviewed at least every five years and therefore an amended Policy must be adopted by the 7 January 2021

**Officer:** Steve Saunders, Licensing Manager (Governance and Licensing)

**Portfolio Holder:** Portfolio Holder Coast, Country and Environment

**Financial implications:** If the Policy is not properly adopted by the District Council the Authority will be liable to legal challenge which if successful could entail costs being awarded against the District Council.

**Legal implications:** There are no legal implications requiring comment.

**Equalities impact:** Low Impact

**Climate change:** Low Impact

**Risk:** Comments  
Low Risk

[Click here to enter text on risk considerations relating to your report.](#)

**Links to background information:** Appendix A - List of Organisations/Individuals we intend to consult  
Appendix B - Draft Licensing Policy prepared for consultation

### Background Papers:

- Licensing Act 2003
- Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 – March 2015 and 2018 Editions
- East Devon District Council's Previous Policy Statement adopted in 2015

**Link to [Council Plan](#):** Choose Priorities and delete what not appropriate.

Outstanding Place and Environment

Outstanding Economic Growth, Productivity, and Prosperity

Outstanding Council and Council Services

### Report in full

Background and Proposed Draft Amendments to the Existing Policy

- 1.1 Under the Licensing Act 2003, it is the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published Policy then provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation. Council adopted the current Policy on the 16 December 2015 and being effective from 7 January 2016 for a period of five years.
- 1.2 The Act requires that the Licensing Authority review its Licensing Policy every five years and as the present policy will expire on the 6 January 2021, the Authority is under a duty to have reviewed and published a fresh policy by 6 January 2021.
- 1.3 The current policy has been kept under review by the Licensing Service over the past five years and with an amendment occurring in 2018. A number of changes are now proposed to reflect current practices and updated legislation issued over the past five years. Whilst acknowledging temporary legislative changes that have been introduced as a result of the Coronavirus global pandemic, the revised policy deals with indefinite legislation and does not include laws or legislation that will provide temporary responses or powers.
- 1.4 The adopted policy must set out the authority's general approach to licence applications and may only be determined following consultation with the following parties:
  - The Chief Officer of Police, Devon & Cornwall Police;
  - Devon & Somerset Fire & Rescue Service;
  - Members of the licensed trade in the area;
  - The local community.
- 1.5 In addition to these groups, it is proposed to circulate invitations more widely to take part in the draft Policy consultation to include all Responsible Authorities, Council Members, the business community, Town and Parish Councils, the Community Safety Partnership and the Devon Primary Care Trust. A more comprehensive list appears at **Appendix A**. The Policy

will also be published on the Licensing Service's dedicated web pages and web users will be invited to comment online.

1.6 The consultation and publication timetable for the Policy is:

- 3 September 2020 - Revised policy circulated for consultation
- 2 November 2020 - Consultation period ends
- 18 November 2020 - Result of consultation reported to L & E Committee
- 25 November 2020 - Cabinet
- 9 December 2020 - Licensing Policy considered by full Council for adoption

1.7 The main changes to the policy are:

- The Forward section to include section on Cultural Activities and the Council's Health and Wellbeing Strategy
- Section 3 – Licensing Objectives & Related Legislation. The inclusion of additional legislation over the last five years and removing lists for reasons of duplication.
- Section 5 – The Licensing Process: 5.1.1 The removal of a 'free' thirty minute consultation previously provided by officers for applicants. Sec 5.5 addition of an in depth description of the Safety Advisory Group. Sec 5.6 inclusion of a new section on Environmental Factors. Sec 5.8.3 clearer expectation regarding internet sales and deliveries.
- Section 11 – Clearer procedures for Film Classification by the Licensing Authority with a new Procedure added at Appendix C of the policy and an addition to Child Safeguarding reporting.
- Section 12 – Clearer expectations for managing illegal high and drugs by
- Section 13 – The removal of details relating to the CCTV standards being available detailed in the pool of conditions.
- Definitions section to provide clearer information on the Responsible Authorities and to remove lists for reasons of duplication
- Definitions section to remove list 'Useful Contacts' being out of date, now available through internet searching and to remove lists for reasons of duplication
- New Appendix A in the document added to provide details of the Devon wide 'pool of conditions' available to applicants
- New Appendix C in the document added to provide procedures for Film Classifications

1.8 The draft Policy takes account of the revised Government Guidance issued under S182 of the Licensing Act 2003 (April 2018).

1.9 A copy of the draft Licensing Act policy appears at **Appendix B**. All the additions/amendments are entered in the document in red.

1.10 The legislation requires that publication of the new policy takes place by 7 January 2021.