

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	9 June 2022
Subject:	Review of Tewkesbury Borough Council's Statement of Licensing Policy under the Licensing Act 2003
Report of:	Licensing Operations and Development Team Leader
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	2

Executive Summary:

To provide information that will allow the Licensing Committee to consider a draft Statement of Licensing Policy prior to formal consultation. The Statement will outline the principles Tewkesbury Borough Council will apply when exercising its functions under the Licensing Act 2003 from December 2022 when the document is presented to Council for adoption.

Recommendation:

To APPROVE the draft Statement of Licensing Policy, as set out at Appendix B, for statutory consultation.

Reasons for Recommendation:

There is a statutory requirement to review the Statement of Licensing Policy every five years. A full consultation should be carried out prior to the draft document being adopted. The current policy 'expired' in 2019 and requires urgent review.

Resource Implications:

Total cost of consultation process will be met from existing resources.

Legal Implications:

The Licensing Act 2003 came into force on 24 November 2005 and transferred the responsibility for licensing premises and persons selling alcohol from the courts to local authorities.

A requirement of the legislation is that all local authorities (or Licensing Authorities as they are known under the Act) must draft, consult on and publish a 'Statement of Licensing Policy'. The Statement of Licensing Policy must have regard to the content of a set of guidance notes published by the Secretary of State.

The Act requires each authority to review its Statement of Licensing Policy whenever necessary and, in any case, every five years. The document is three years overdue.

Risk Management Implications:

It is a statutory requirement to ensure that the Policy is reviewed every five years. The last review was carried out in 2014 and the document expired in 2019. A review should be carried out as soon as possible to ensure that the Policy is fit for purpose.

Performance Management Follow-up:

If the Committee is satisfied with the draft document, a full 12 week consultation will be required to take place. Once this has taken place, comments will be referred back to October Licensing Committee to recommend to Council for adoption.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine and publish a Statement of its Licensing Policy at least once every five years. Failure to do so would mean the authority could not continue its licensing functions under the Act.
- 1.2 The purpose of the Licensing Policy is to give guidance to applicants, licence holders, local residents and local businesses on how the Licensing Authority will make its decisions under the Licensing Act 2003. In particular, it lays out the Licensing Authority's policy for decisions by a hearing panel when there has been representation or objection against an application or a request has been made to review an existing licence.
- 1.3 Before determining its Licensing Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Act. These include the Police and representatives of local licence holders, businesses and residents.

2.0 TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY

- 2.1 Tewkesbury Borough Council's current Statement of Licensing Policy was published in October 2014 and expired on 7 January 2019. Due to COVID and staffing levels within the team a review has not been carried out until now.
- 2.2 The Home Office issues guidance on the Licensing Act 2003. This includes guidance on the development and preparation of Statements of Licensing Policy and recommends general principles and content. Tewkesbury Borough Council's current Statement takes account of the Home Office guidance.
- 2.3 A copy of the existing policy is attached at **Appendix A**.
- 2.4 Tewkesbury Borough Council's current Statement of Licensing Policy has been reviewed and updated by the Licensing Operations and Development Team Leader. There have not been any significant changes to the legislation or the Home Office guidance during the past eight years so only minor changes have been made to reflect current best practice.
- 2.5 A revised draft Statement of Licensing Policy is **Appendix B**. The updates are shown in the draft Statement with explanations in comment boxes.

- 2.6** It is the intention that, subject to the revised draft Statement of Licensing Policy being approved by the Licensing Committee, it will be put out for formal consultation between June and August 2022. Consultation will include the Police and responsible authorities, Town and Parish Councils, Ward Councillors, current licence holders and representatives of the licensed trade as shown in Paragraph 4 of this report.
- 2.7** Any comments received during the consultation will be considered by the Licensing Operations and Development Team Leader and One Legal in consultation with the Chair of the Licensing Committee. A final agreed draft will be presented to the Licensing Committee at its meeting in October and, in accordance with the Licensing Act 2003, the Committee will be asked to recommend adoption of the Statement of Licensing Policy to Council at its meeting in December.
- 3.0 OTHER OPTIONS CONSIDERED**
- 3.1** No alternative options are proposed.
- 4.0 CONSULTATION**
- 4.1** A 12 week consultation will be carried out with the following consultees:
- the Chief Officer of Police for the area;
 - the Fire and Rescue Authority for the area;
 - each Local Authority's Director of Public Health in England (DPH);
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.
- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** [Tewkesbury Borough Council plan — Tewkesbury Borough Council](#)
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1** [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1** None
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: None

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Appendices: Appendix A – Tewkesbury Borough Council’s Current Statement of Licensing Policy

Appendix B – Tewkesbury Borough Council’s Revised Draft Statement of Licensing Policy