

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	6 October 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
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	2

Executive Summary:

A draft revised Statement of Licensing Policy was approved by the Licensing Committee for consultation at its meeting on 9 June 2022. Following the consultation, Members are asked to consider the final draft Policy and recommend it to Council for approval.

Recommendation:

To CONSIDER the revised Statement of Licensing Policy, attached at Appendix B, and to RECOMMEND TO COUNCIL that it be APPROVED.

Financial Implications:

None arising directly from this report.

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.

Environmental and Sustainability Implications:

None arising directly from this report.

Resource Implications (including impact on equalities):

None.

Safeguarding Implications:

None.

Impact on the Customer:

None.

1.0 INTRODUCTION

- 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. Tewkesbury Borough Council's current Statement of Licensing Policy was published in October 2014 and expired on 7 January 2019.
- 1.2** Tewkesbury Borough Council's Statement of Licensing Policy was reviewed by the Licensing Operations and Development Team Leader and, as there has been no significant changes to the legislation or Home Office guidance during the past eight years, only minor amendments were made to reflect best practice.
- 1.3** The draft revised Statement of Licensing Policy was considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation.

2.0 REVISED STATEMENT OF LICENSING POLICY

- 2.1** Following the Licensing Committee meeting in June, a full consultation was carried out as set out at Paragraph 3 of this report.
- 2.2** The final draft Statement of Licensing Policy is attached at **Appendix B** for consideration. In accordance with the Licensing Act 2003, the Statement of Licensing Policy must be adopted by Council. As such, the Licensing Committee is asked to consider the revised document and recommend to Council that it be approved.

3.0 CONSULTATION

- 3.1** A 12 week consultation was carried out between 13 June and 4 September 2022 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.

- 3.2** No consultation responses were received.

4.0 ASSOCIATED RISKS

- 4.1** None

5.0 MONITORING

5.1 None

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 [Tewkesbury Borough Council plan — Tewkesbury Borough Council](#)

Background Papers: [Licensing Committee 9 June 2022](#)

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

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