

LICENSING ACT 2003

REVIEW OF STATEMENT OF LICENSING POLICY

Relevant Portfolio Holder	Councillor C B Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st April 2019.
- 1.2 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. A new Statement of Principles must therefore be published by 1st April 2024.
- 1.3 The Licensing Committee have previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

2. RECOMMENDATIONS

2.1 Members are asked to RESOLVE;

To recommend to Council that the revised Statement of Licensing Policy shown at Appendix 3 be approved and published to take effect on 1st April 2024.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
- the chief officer of police for the authority's area;
 - the fire and rescue authority for that area;
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

Service / Operational Implications

- 3.5 Bromsgrove District Council's existing Statement of Licensing Policy was published with effect from 1st April 2019.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1st April 2024.
- 3.7 On 7th August 2023, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The draft revised policy contained a number of amendments and additional sections that have been made to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1st April 2019.
- 3.10 The changes that have been made were shown by way of “track changes” within the document and the main changes are also summarised in a table shown at **Appendix 1**.
- 3.11 Consultation on the revised draft Statement of Principles was undertaken with all relevant parties including:
- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Services
 - Worcestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Parish Councils
 - The general public
- 3.12 The consultation was undertaken via an online survey that was made available via the Council’s website and publicised via social media. A link to the survey was also sent to relevant stakeholders. The consultation survey was open for completion between DATE and DATE.
- 3.13 There have been just two responses to the consultation survey from a Parish Councillor and a consultee responding on behalf of the Chief Officer of West Mercia Police. The answers provided by the respondents can be seen at **Appendix 2**.
- 3.14 The consultee on behalf of the Chief Officer of Police is supportive of all of the proposed amendments to the Statement of Policy document and does not believe any further revisions are required.
- 3.15 The Parish Councillor is supportive of the proposed amendments to the Statement of Policy document but has made a number of comments including a suggestion that the Council should make a further change to the document to say that noise issues reported to local authorities should be followed up and actioned where appropriate.

- 3.16 Officers believe that the Statement of Licensing Policy already addresses this issue in paragraphs 6.28 to 6.34 (Prevention of public nuisance), paragraphs 11.1 to 11.14 (Reviews) and paragraphs 17.1 to 17.7 (Enforcement and complaints). On that basis, officers do not believe that the comments from the Parish Councillor require any further amendment to be made to the revised Statement of Licensing Policy document.
- 3.17 However, during the consultation period, officers noticed that a further minor change was required to the text of the draft Statement of Licensing Policy at paragraph 6.37. The change has been highlighted using “track changes” in the draft version of the Statement of Licensing Policy shown at **Appendix 3**.
- 3.18 This change is necessary to reflect the fact that the UK has left the European Union and to make clear that photocard driving licences issued in both the UK and European Union are acceptable forms of proof of age.
- 3.19 Members are asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 3** be approved and published to take effect on 1st April 2024.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1st April 2024 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

5. APPENDICES

- Appendix 1 - Summary of proposed amendments
- Appendix 2 - Responses to consultation survey
- Appendix 3 - Draft Revised Statement of Licensing Policy

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