

Licensing Report

Ward(s) affected: All Wards

Report of Licensing Team Leader

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## **Licensing Act 2003 Review of Statement of Licensing Policy**

### **Executive Summary**

The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process.

The current policy is due for review by January 2021 and following the Committee considering the strategic direction for the Policy review in November 2019 a draft updated Policy has been prepared for Committee to approve for full public consultation.

### **Recommendation Committee**

That the Committee approves the draft Statement of Licensing Policy 2021-26 at Appendix A for Public consultation for a period of 12 weeks.

### Reason(s) for Recommendation:

To obtain the views of interested parties on the proposed updated Licensing Policy and use these views to formulate any changes to the draft prior to adoption.

### **Is the report (or part of it) exempt from publication?**

No

## 1. Purpose of Report

- 1.1 The purpose of this report is to seek the Committee's approval to consult on the revisions to the Council's Statement of Licensing Policy as required by the Licensing Act 2003.

## 2. Strategic Priorities

- 2.1 The review of the Licensing Act 2003 Policy will contribute to our fundamental themes as follows:

- **Place making** – regenerating and improving Guildford town centre through well-regulated licensed establishments.
- **Community** – enhancing sporting, cultural, community and recreational facilities.
- **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

## 3. Background

- 3.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy.

- 3.2 The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process. The four Licensing objectives under the Act are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

- 3.3 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the current Policy is due for review by 7 January 2021.

- 3.4 On 27 November 2019 the Licensing Committee considered a report requesting the Committee's views on the strategic direction of the Licensing Act Policy, and recommended officers develop an updated policy for consultation, to include the following areas:

- Film Classification
- Internet sales/delivery of alcohol
- Agent of Change
- Safeguarding

- 3.5 The Policy has been updated at the direction of the Committee to include more comprehensive guidance on the above areas.

- 3.6 The 'Large Events' section of the Policy has also been updated to include the principles of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

- 3.7 The Policy has also been updated with the Council's new Corporate Strategy, and reference to the priority of retaining the Purple Flag award.

#### **4. Consultations**

- 4.1 Prior to the formal review process of the Statement of Licensing Policy 2021 – 2026, an informal engagement exercise invited opinion specifically related to the effectiveness of the Statement of Licensing Policy 2015 – 2020 from those who had an interest in or were likely to be affected by this Council's functions including Responsible Authorities and trade representatives. The objective was to elicit opinion which could be considered prior to the formal review process, highlighting ways in which the Council could develop sustainable initiatives reflecting best practice and influence the next Statement of Licensing Policy supporting the process of informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities. This informal engagement has led to the development of the draft policy presented to Committee.
- 4.2 This report seeks the Committee's approval to undertake a three-month public consultation exercise on the draft Licensing Policy. Full, formal consultation will take place with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;
- The Chief Officer of Surrey Police
  - Surrey Fire & Rescue Authority
  - The Primary Care Trust Director of Public Health
  - 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
  - Persons / bodies representative of businesses and residents in its area
- 4.3 In addition the Licensing Authority intends to consult with Surrey Trading Standards, Surrey Safeguarding Children Board, Guildford Borough Council Environmental Health (Pollution Control), Guildford Borough Council Environmental Health (Health & Safety) and Guildford Borough Council Planning Department. The draft policy will also be published on Guildford Borough Council's website.
- 4.4 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 25 November. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising from the consultation, by Full Council on 8 December 2020.

## **5. Key Risks**

- 5.1 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the Council has a statutory duty to review the current Policy by 7 January 2021.

## **6. Financial Implications**

- 6.1 There are no financial implications for the Council as a result of carrying out a public consultation on the draft Statement of Licensing Policy.

## **7. Legal Implications**

- 7.1 The Council is required to have a Statement of Licensing Policy under section 5 of the Licensing Act 2003. The Statement of Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach under the Licensing Act 2003.
- 7.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years, but it does not prevent an earlier review.
- 7.3 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version, issued by the Home Office in April 2018, has been referred to during the drafting of this report.

## **8. Human Resource Implications**

- 8.1 The review of the Licensing Act Policy will take considerable officer time, however, can be managed from within the current licensing resource, although it is recognised that the work is taking place during the Future Guildford review.

## **9. Equality and Diversity Implications**

- 9.1 Under the public sector equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.

9.4 Improving measures in the Council's Licensing Policy to promote the Safeguarding and Equalities agendas will encourage members of the public from all groups to enjoy licensed venues in Guildford. Additionally, venues providing a varied offering contribute to Guildford's Purple Flag aims of offering a safe and diverse night out.

## **10. Climate Change/Sustainability Implications**

10.1 There are no climate change or sustainability implications to the review of the Licensing Act 2003 Policy.

## **11. Summary of Options**

11.1 After considering the report, the Committee may either:

- Approve the draft Policy at Appendix A for public consultation, or
- Approve the draft with amendments for consultation

## **12. Conclusion**

12.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The current Policy is due for review by 7 January 2021 and a revised draft Policy has been prepared following the Committee's strategic direction for public consultation.

12.2 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 25 November. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising out of the consultation, by Full Council on 8 December 2020.

## **13. Background Papers**

13.1 [Guildford Borough Council Statement of Licensing Policy 2015-20](#)

13.2 [Revised Guidance issued under Section 182 of the Licensing Act 2003](#)

13.3 [Minutes of Licensing Committee held 27 November 2019](#)

## **14. Appendices**

Appendix A – Draft Guildford Borough Council Statement of Licensing Policy 2021-26

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>24 March 2020</i>
<i>Legal / Governance</i>	<i>27 March 2020</i>
<i>HR</i>	<i>19 March 2020</i>
<i>Equalities</i>	<i>19 March 2020</i>
<i>Lead Councillor</i>	<i>10 April 2020</i>
<i>CMT</i>	<i>21 April 2020</i>
<i>Committee Services</i>	<i>15 May 2020</i>