

Council Report

Ward(s) affected: All Wards

Report of the Director of Service Delivery

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

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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 a public consultation exercise, Licensing Committee on 25 November recommended that the Council adopts the Policy.

#### **Recommendation to Council:**

That the Statement of Licensing Policy 2021-26, attached as Appendix 1 to this report, be adopted.

#### Reason for Recommendation:

To ensure the Council's Statement of Licensing Policy is revised in line with statutory timescales.

**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 Council's approval for 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 May 2020, the Licensing Committee considered a report containing an updated policy for consultation and approved a public consultation exercise on the draft policy for a period of 12 weeks.

## 4. Consultations

4.1 Full, formal consultation took place with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These were;

- 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

- 4.2 In addition, we consulted 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 public were invited to respond to the consultation via promotion on the Council website and social media.
- 4.3 Consultation ran from 6 July until 4 September 2020. Consultees were directed to a consultation page on the Council's website containing a copy of the draft policy, in addition to a questionnaire to capture responses.
- 4.4 No responses to the public consultation were received.
- 4.5 As no responses to the draft Policy were received, the Policy was presented for approval without any amendments to the draft considered by Licensing Committee on 27 May.
- 4.6 Licensing Committee on 25 November 2020 recommended that the Policy be adopted by the Council at this meeting.

## **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 Council's 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 considered during the drafting of the Statement of Policy.

## **8. Human Resource Implications**

- 8.1 There are no Human Resource implications.

## **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, Council may either:
- Approve the Policy at Appendix 1 following public consultation, or
  - Approve the Policy with amendments

## **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 subject of a three-month public consultation exercise.
- 12.2 Following the consultation exercise, there were no consultation responses to the draft Policy and Licensing Committee on 25 November recommend adoption of the Policy by the Council at this meeting.

## **13. Background Papers**

[Guildford Borough Council Statement of Licensing Policy 2015-20](#)  
[Revised Guidance issued under Section 182 of the Licensing Act 2003](#)

[Minutes of Licensing Committee held on 27 May 2020](#)  
[Local Government Association Councillor Handbook – Licensing Act 2003](#)

**14. Appendices**

Appendix 1: Guildford Borough Council Statement of Licensing Policy 2021-26