

REPORT TO:	LICENSING ACT 2003 COMMITTEE
DATE:	18 SEPTEMBER 2023
SUBJECT:	REVIEW OF LICENSING ACT 2003 POLICY
PURPOSE:	To consider proposed amendments to the Authority's Licensing Policy (alcohol, regulated entertainment and late-night refreshment) prior to the submission of the amendments to the Council for adoption.
KEY DECISION:	YES.
REPORT OF:	Group Manager Public Protection.
REPORT AUTHOR:	Mr Adrian Twiddy (Principal Licensing Officer).
WARD(S) AFFECTED:	All Wards.
EXEMPT REPORT?	NO

SUMMARY

To consider proposed amendments to the Authority's Licensing Policy (alcohol, regulated entertainment and late-night refreshment) in light of the recent consultation exercise and to recommend the revised policy to Council for adoption. The proposed amendments to the current policy can be found at **Appendix A** of this Report.

RECOMMENDATIONS

That the Committee recommend the proposed amendments to the Licensing Policy (for alcohol, regulated entertainment and late-night refreshment), as shown at **Appendix A** of this Report, to the Council for adoption.

REASONS FOR RECOMMENDATIONS

The Council is under a legal duty to keep its Licensing Policy under review.

OTHER OPTIONS CONSIDERED

Not to recommend any change to the current policy document.

1. BACKGROUND

1.1. The Council is required to determine and publish a Statement of the Principles that it proposes to apply under the terms of the Licensing Act 2003 in relation to the licensing of alcohol premises, regulated entertainment and late-night refreshment. The current policy is now due for review.

1.2. The licensing objectives are central to the 2003 Act. The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

It is important to note that there are no other licensing objectives.

1.3. Under the terms of the Licensing Act 2003 the Licensing Policy must be adopted by the Council rather than the Licensing Committee.

2. REPORT

2.1. The proposed amendments to the current policy can be found at **Appendix A** of this Report.

2.2. The document, at **Appendix A**, details the reason for each of the proposed changes and gives the detailed wording for each of these proposed amendments to the policy. In particular, the proposed amendments relate to:

- Night-time Safety
- Drink Spiking
- Safeguarding
- Modern Slavery
- Review of Personal Licences
- Protocol – Disclosure of Representations

2.3. A copy of the current policy document can be found on the Council's website under Related Documents on the following webpage:

<https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment>

2.4. The proposed changes to the policy document were subject to a public consultation during the period 17 July to 08 September 2023. The Committee had discussed such policy changes during 2022/23.

2.5. The consultation document was issued to a wide range of interested parties, including Lincolnshire Police, Lincolnshire Trading Standards, Lincolnshire Fire and Rescue, Town Councils, etc. A list of all the organisations to which a copy of the document was sent can

be found at **Appendix C** of this Report. In addition, a copy of the consultation document was placed on the Council's website between 17 July to 08 September 2023.

- 2.6. At the time of the drafting of this Report one response had been received to the consultation document. The response was from Skegness Town Council and endorsed the proposed changes to the policy. The response can be found at **Appendix B** of this Report.

3. CONCLUSION

- 3.1. The Council is under a legal duty to keep its Licensing Policy under review.
- 3.2. In drafting the Licensing Policy consideration must be given to the four licensing objectives, as well as providing the necessary protection to residents, whilst also promoting choice and flexibility to local businesses and their customers.
- 3.3. Based on the consultation results Officers are recommending that no amendments should be made to the content of the proposed policy document. The recommendation to the Committee is that the proposed policy amendment should be recommended to the Council for adoption in the same format that it was issued for consultation. The consultation results do not suggest any need for amendment.

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

None.

CORPORATE PRIORITIES

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

Effective implementation of an appropriate licensing regime should help to promote the local economy.

The objectives of the Licensing Act 2003, seek to ensure adequate measures are in place in licensed premises to protect public safety, protect children from harm, prevent public nuisance and prevent crime and disorder.

Each of the four licensing objectives can contribute towards making a positive difference to the lives of our residents, businesses and visitors.

STAFFING

The policy review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional staffing costs or resources involved.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The Licensing Policy must comply with the requirements of the Licensing Act 2003 and also the Home Office Section 182 Guidance to Licensing Authorities.

The policy must be subject to regular review.

DATA PROTECTION

Not Applicable.

FINANCIAL

There are currently approximately 900 premises licensed under the Licensing Act 2003 in the East Lindsey District – around 800 of which are required to pay an annual licence fee to the Council. Community premises, licensed solely for the provision of regulated entertainment, do not have to pay an annual premises licence fee to the Authority.

RISK MANAGEMENT

Statutory guidance is issued to Licensing Authorities by the Home Office in relation to the format of Licensing Policies.

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Policy is found not to comply with the requirements of the Licensing Act 2003 and associated legislation, regulations and guidance.

STAKEHOLDER / CONSULTATION / TIMESCALES

The proposed changes to the policy document were subject to consultation during the period 17 July to 08 September 2023.

REPUTATION

Having a robust licensing scheme protects public safety and commands the confidence of the public.

CONTRACTS

Not Applicable.

CRIME AND DISORDER

Core to the Licensing Act 2003 are the licensing objectives, which are detailed in Paragraph 1.2 of this Report. The licensing objectives have been considered throughout the drafting of the revised policy and in relation to the Authority's Section 17 requirements.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: The proposed policy changes do not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), or sexual orientation.

Human Rights: The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Safeguarding: Councils must consider the need to protect children and vulnerable adults from harm when undertaking licensing functions.

HEALTH AND WELL BEING

Not Applicable.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable.

ACRONYMS

Not Applicable.

APPENDICES	
Appendices are listed below and attached to the back of the report:	
APPENDIX A	Proposed Amendments to this Authority's Statement of Licensing Policy.
APPENDIX B	Response to the Policy Consultation Received from Skegness Town Council.
APPENDIX C	List of all the Organisations to which a Copy of the Consultation Document was sent.

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT
A detailed Report on this item was previously considered by the General Licensing Committee on 14 March 2022.

REPORT APPROVAL	
Report author:	Adrian Twiddy (Principal Licensing Officer) Tel. No. 01507 601111 Email: adrian.twiddy@e-lindsey.gov.uk
Signed off by:	Donna Hall (Group Manager Public Protection) Tel. No. No. 01775 761161 Email: donna.hall@sholland.gov.uk