

<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>13 DECEMBER 2023</b>
<b>SUBJECT:</b>	<b>REVIEW OF LICENSING ACT 2003 POLICY</b>
<b>PURPOSE:</b>	To consider amendments to the Council's Licensing Policy in respect of alcohol, regulated entertainment and late-night refreshment.
<b>KEY DECISION:</b>	N/A
<b>PORTFOLIO HOLDER:</b>	Councillor Richard Fry
<b>REPORT OF:</b>	Group Manager Public Protection.
<b>REPORT AUTHOR:</b>	Mr Adrian Twiddy (Principal Licensing Officer).
<b>WARD(S) AFFECTED:</b>	All Wards.
<b>EXEMPT REPORT?</b>	NO

#### **SUMMARY**

This Report considers amendments to this Authority's Licensing Policy Statement (alcohol, regulated entertainment and late-night refreshment) in line with the legal requirement to keep the policy under regular review. The proposed amendments to the current policy can be found at **Appendix A** of this Report. A complete copy of the proposed revised policy document, which is recommended to the Council for adoption, can be found at **Appendix B** of the Report.

#### **RECOMMENDATIONS**

That the Council adopt the revised Statement of Licensing Policy (for alcohol, regulated entertainment and late-night refreshment licensing) shown at **Appendix B** of this Report. The revised policy to come into effect on 02 January 2024.

#### **REASONS FOR RECOMMENDATIONS**

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

#### **OTHER OPTIONS CONSIDERED**

Not to make 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. Once adopted by the Council, it is proposed that the policy changes (subject of this Report) will come into effect on 02 January 2024.

## 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 Licensing Committee had discussed and proposed 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, Licensing Solicitors, etc. In addition, a copy of the consultation document was placed on the Council's website between 17 July to 08 September 2023.

2.6. One response was received to the consultation document. The response was from Skegness Town Council, who endorsed and supported the proposed changes to the policy.

### **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 the Licensing Committee recommended to the Council that no amendments should be made to the content of the proposed new policy document. The recommendation to the Council by the Committee was that the proposed policy amendment should be adopted in the same format that it was issued for consultation. The Committee were of the opinion that the consultation results did not suggest any need for amendment to the proposed policy changes.

### **EXPECTED BENEFITS TO THE PARTNERSHIP**

Both the Local Government Association (LGA) and the Home Affairs Select Committee have recommended that Licensing Authorities reference night-time safety and drink spiking in their Statements of Licensing Policy. Therefore, each Council within the South & East Lincolnshire Council's Partnership may wish to look to similar amendments to their Licensing Policies as detailed in this Report.

### **IMPLICATIONS**

#### **SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP**

The current consultation on the proposed Sub-Regional Strategy for the South & East Lincolnshire Councils Partnership includes reference to the Licensing Policies for each of the Councils within the Partnership.

#### **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**

None.

#### **WORKFORCE CAPACITY IMPLICATIONS**

None.

#### **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

The Licensing Policy must comply with the requirements of the Licensing Act 2003 and also the statutory Home Office Section 182 Guidance to Licensing Authorities. The policy must be subject to regular review.

#### **DATA PROTECTION**

None.

#### **FINANCIAL**

None.

#### **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**

None.

#### **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:** The Council must consider the need to protect children and vulnerable adults from harm when undertaking its licensing functions.

## HEALTH AND WELL BEING

None.

## CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None.

## LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

<b>MISSIONS</b>	
<b>This paper contributes to the following Missions outlined in the Government's Levelling Up White paper.</b>	
<b>Wellbeing</b>	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
<b>Pride in Place</b>	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
<b>Crime</b>	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

## ACRONYMS

Not Applicable.

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report:	
<b>APPENDIX A</b>	Proposed Amendments to this Authority's Statement of Licensing Policy.
<b>APPENDIX B</b>	Complete Copy of the Proposed Revised Policy Document

## 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 and 18 September 2023.

#### REPORT APPROVAL

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