

Report of	Meeting	Date
Director of Planning and Development (Introduced by Executive Member for Planning and Development)	Council	Tuesday, 16 November 2021

Is this report confidential?	No
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Is this decision key?	N/A
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Introduction of New Statement of Licensing Policy under the Licensing Act 2003

Purpose of the Report

1. To advise members of the statutory review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and to seek adoption of the policy.

Recommendations to Council

2. That the Council notes the recommendation of the Licensing and Public Safety Committee on 3rd November 2021, to approve the draft Policy.
3. That the draft Statement of Licensing Policy (as appended at Appendix 1) is approved and that it shall come into effect from 17th November 2021.

Reasons for recommendations

4. The Council has a statutory duty to publish its Statement of Licensing Policy at periods not greater than 5 years. The current policy expires on 17th November 2021.

Other options considered and rejected

5. It is a legal requirement for the Council to have a published policy under the Licensing Act 2003 and so no further options were considered.

Corporate priorities

6. The report relates to the following corporate priorities: (please bold all those applicable):

Involving residents in improving their local area and equality of access for all		A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

Background to the report

7. The Licensing Act 2003 (the Act) is the legislation which governs alcohol sales, regulated entertainment and late-night refreshment; the licensable activities. It is concerned with the issuing of various authorisations to carry on these licensable activities such as premises licences, club premises certificates, temporary event notices and personal licences.
8. The Act requires a licensing authority to publish a statement of licensing policy every 5 years and Chorley's current policy was last issued in Nov 16, meaning it is due for revision this year.
9. The current policy has served the Council well over the period however a complete re-draft of the policy has been carried out, taking into account the experience of the last few years.

Significant policy changes

10. The policy has been entirely re-written however a number of the principles have been applied from the previous policy. Of particular note are the following new policy areas:
 - a. **Core Hours for Licensable Activities.** The policy will state core hours between which it would expect licences to be granted between. This will not be a blanket policy applied arbitrarily but will guide applicants when considering what hours would likely attract representations.
 - b. **Code of Practice for Drinks Promotions.** It's a mandatory requirement that premises do not hold irresponsible drinks promotions. This new section sets out the Council's approach when considering whether a promotion would be considered irresponsible or not.
 - c. Significantly, a **Pool of Model Conditions.** Conditions on a licence form a key part of licensing control and, in the past, the Council has received poor operating schedules with conditions which are ambiguous and unenforceable. This entirely new pool on conditions gives applicants approved wording to use when completing applications.

Consultation

11. Prior to publishing a new policy, the Act requires a licensing authority to consult with the following bodies:
 - the chief officer of police for the licensing authority's area,
 - the fire and rescue authority for that area,
 - each Local Health Board for an area any part of which is in the licensing authority's 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.

12. An extensive consultation exercise was carried out during the period of 20th September-20th October 2021. One response was received during the consultation period as follows:

Consultation Response	Consideration
<p>The policy was forwarded to me for observations. In general I found it quite positive but have some concerns re high number of TENs available which I believe should be modified on assessment of the physical space available and its surrounding area.</p> <p>More specifically on the Draft I think 3.19 should read "Require rather than Expect etc)</p> <p>On P44 Use of Outdoor area this should to my way of thinking include the requirement that if any bonfire, fireworks etc are to be promoted then a) prior written approval of the Fire Safety Officer as to suitability and b) formal proof of Insurance submitted prior to event</p>	<p>The number of TENs permitted is set out in legislation. The Police and Environmental Health are entitled to object to the Notice if the event undermining the Licensing Objectives.</p> <p>The application requirements are set out in legislation and it's not within the power of the Licensing Authority to refuse applications if they fail to provide documents other than those set out in legislation.</p> <p>The pool of model conditions are provided to assist applicants in completing their licence applications- they won't be applied to every licence and are there for anyone applying for a licence to "dip into". Any applicant is still required to offer any conditions they believe are appropriate and the responsible authorities (police, fire etc) are entitled to make representations if they don't believe what's been offered goes far enough.</p>

Recommendation of Licensing and Public Safety Committee

13. Following a meeting of the Licensing and Public Safety Committee on 3rd November 2021, that committee resolved unanimously to recommend that Council approve the draft policy and implement it with effect from 17th November 2021. A copy of the minutes of that meeting are appended at [Appendix 2](#).

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

15. This new policy introduces a section on the Promotion of Equality, acknowledging the duty on Licensing Authorities to have regard to eliminating unlawful discrimination etc when carrying out its functions.

Risk

16. It is a statutory duty to publish a statement of licensing policy at periods not greater than 5 years. In failing to publish its policy, the Council would be open to litigation risk when carrying out its functions under the Act.

Comments of the Statutory Finance Officer

17. No comments.

Comments of the Monitoring Officer

18. The statutory duties of the council under Section 5 of the Licensing Act 2003 to publish a statement of licensing policy and review it at least every 5 years are referred to in the body of the report, as is the duty to consult prescribed persons on changes proposed to it.

19. Approval of the statement of licensing policy is reserved to full Council by virtue of Section 7(2) of the Licensing Act 2003.

Jonathan Noad
Director of Planning and Development

Appendix	Description
Appendix 1	Draft Statement of Licensing Policy
Appendix 2	Minutes of Licensing and Public Safety Committee of 03.11.21

Report Author:	Email:	Telephone:	Date:
Nathan Howson Enforcement Team Leader (Licensing)	Nathan.Howson@chorley.gov.uk	(01257) 515665	04/11/21