

Licensing Committee

Licensing Act 2003 Policy Review

Report of Executive Member for Neighbourhoods & Culture

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3rd November 2020

Executive Summary

The purpose of this report is to ask Members to consider the revised statement of licensing policy attached at Appendix I, and whether it should replace the Council's existing licensing policy.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Comment on the proposed policy which is subject to consultation.
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Licensing Act 2003 Policy Review

1. Purpose of the report

1.1 The purpose of this report is to request that Members to consider the review to the Council's Licensing Act 2003 Policy.

2. Introduction

2.1 The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. Oldham Council adopted the current Statement of Licensing Policy on 15th December 2010

2.2 The Councils Statement of Licensing Policy fulfils two principal purposes; firstly, it provides advice to business and the public on what the Council expects of those licensed under the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Licensing Committee, and its Licensing Premises Panel, to exercise its quasi-judicial functions under the Act. These two principles mean the policy must strike the right balance between the legitimate needs of businesses and demand for leisure and cultural activities and the need to protect those adversely affected by licensable activities.

2.3 The policy must balance these needs with a view to promoting the four statutory 'Licensing Objectives', those being: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- protection of children from harm

2.4 Failure to achieve this balance could lead the policy to being, both overly prescriptive and open to challenge, or alternatively through a failure to promote the licensing objectives effectively, ineffective to the needs of those adversely affected by licensable activities.

2.5 In drafting this policy, it is acknowledged that at the time of writing the country is facing a major public health crisis. The hospitality and leisure industry have endured significant disruption to their trading during the past few months and have suffered from closure, job losses and drops in income.

2.6 Whilst the proposed policy cannot necessarily positively impact on the industry's recovery it can assist businesses in ensuring they operate in a safe and compliant way. Officers will continue to support and advise businesses to underpin the licensing objectives.

3. **Proposed Revisions**

3.1 Following consideration of the Secretary of State's guidance, discussions at Greater Manchester level and upon reviewing local and national priorities the following revisions have been made to the existing policy that came into effect in 2015. These are highlighted in red in the proposed policy.

- Public Health
- Suspension of a premises licence for non-payment of annual fees
- Pavement licences
- Boxing events
- Child Sexual Exploitation
- Pre-application consultation
- Immigration
- Model conditions

4 **Consultation**

4.1 The proposed Statement of Licensing Policy attached at Appendix I is subject to consultation in accordance with the provisions of the Act. These require that the Authority must consult with:

- a) the Chief Officer of Police;
- b) the Fire Authority;
- c) such persons as the licensing authority considers to be representative of holders of premises licences;
- d) such persons as the licensing authority considers to be representative of holders of club premises certificates;
- e) such persons as the licensing authority considers to be representative of holders of personal licences; and

- f) such other persons as the licensing authority considers to be representative of residents and businesses in the area
- 4.2 Following consultation the proposed policy will be presented to the Overview and Scrutiny Committee before being presented to Council for adoption.
- 5 Legal Services Comments**
- 5.1 Every five years the Council must determine its policy with respect to the exercise of its licensing functions and publish a Statement of Licensing Policy. The draft policy complies with the guidance issued under Section 182 of the Licensing Act 2003. (A. Evans)
- 6 Co-operative Agenda**
- 6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.
- 7 Environmental and Health & Safety Implications**
- 7.1 None
- 8 Equality, community cohesion and crime implications**
- 8.1 None
- 9 Equality Impact Assessment Completed?**
- 9.1 Yes
- 10 Key Decision**
- 10.1 No
- 11 Key Decision Reference**
- 11.1 N/A
- 12 Background Papers**
- 12.1 None
- 13.0 Appendices**
- 13.1 Appendix 1 – Proposed Licensing Act 2003 Policy

