

COUNCIL – 25TH APRIL 2022

Report of the Licensing Committee

Part A

ITEM 6.1 REVIEW OF THE STATEMENT OF LICENSING POLICY

Purpose of Report

To consider a revised Statement of Licensing Policy made under the Licensing Act 2003 following consideration by the Licensing Committee and public consultation.

Recommendation

That the Statement of Licensing Policy made under the Licensing Act 2003, set out in Annex A to this report, be approved and adopted.

Reason

To ensure that the Council has an up-to-date Statement of Licensing Policy to adhere to which sets out the Council's policy in respect of liquor licensing, including confirming proposed changes to the boundary of the Loughborough Cumulative Impact Zone, that meets the licensing objectives and complies with the requirements of the Licensing Act 2003.

Policy Justification and Previous Decisions

A role of the Licensing Committee is to make recommendations in respect of the Council's Statement of Licensing Policy made under the Licensing Act 2003 prior to submission to Full Council for approval.

At its meeting on 8th February 2022, the Licensing Committee considered a report of the Head of Regulatory Services seeking approval for a draft Statement of Licensing Policy that would be the subject of consultation prior to submission to Full Council.

The following extract from the minutes of that meeting details the consideration and decisions of the Committee:

REVIEW OF THE STATEMENT OF LICENSING POLICY

Considered a report of the Head of Regulatory Services seeking the Committee's approval of the draft Statement of Licensing Policy, made in accordance with the Licensing Act 2003 for consultation prior to submission to Full Council for approval (item 5 on the agenda filed with these minutes).

The Head of Regulatory Services introduced the report and stated that if the Committee approved the draft Statement of Licensing Policy for consultation, it would then be submitted to Full Council for approval. The Regulatory Services Manager drew the Committee's attention to part B of the report and the changes that had been made.

Summary of discussion:

- *the draft Policy would be circulated to all Responsible Authorities, Loughborough BID, Public Houses, local Licensing Solicitors regularly used for applications and persons / bodies representative of local licence holders, (see page 6 of the report for list). It was noted that there were over 2000 personal licence holders and that when all were consulted in 2017, a significant number of letters were returned as 'no longer at that address'. It has been proposed to consult a percentage of personal licence holders for this consultation, but all premises would be consulted.*
- *the changes made to the policy would be detailed in a letter and sent to consultees with reference made to the availability of the full Policy on the Council's website or as a hard copy at Council offices.*
- *the change to section 6 would affect how a public house operated. It was hoped that including details on why a full operating schedule was needed would reduce the number of enquiries made to the Council and other Responsible Authorities when applications were made.*
- *with reference to section 5.2, although Drinking Up Time was now advisory, it was noted that the Police would recommend a Drinking Up Time if required for an individual premises, to assist with the gradual dispersal of customers.*
- *once a license had been issued it could be subject to a review for matters arising at the premises in connection with the four licensing objectives. Reviews could be initiated by interested parties, neighbours, and Responsible Authorities. The review would be advertised at the premises for 28 days and would then be considered by the Licensing Committee.*
- *Standard Temporary Event Notices (TEN) should be submitted within clear 10 working days of the event. A late TEN could be submitted between 5-9 clear working days of the event but the Licensing Section advised submission of TENs as early as possible to allow officers to process the notice.*

RESOLVED

1. *That the draft Statement of Licensing Policy, made under the Licensing Act 2003 and attached at Annex 1, be approved for consultation. No changes have been made to the Special Policy on Cumulative Impact, at section 4, contained within the draft Statement of Licensing Policy as this was amended and consulted on in 2021.*
2. *That, subject to recommendation 2 and following the consultation that the Head of Regulatory Services is given delegated authority to make minor amendments and alteration to the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.*

Reasons

1. *To set out the Council's policy in respect of liquor licensing that meets the licensing objectives and to comply with the requirements of the Licensing Act 2003.*
2. *To ensure that minor changes can be made to the Statement of Licensing Policy and enable submission to Full Council in an efficient manner if only minor changes are required.*

The Statement of Licensing Policy submitted to the Council for approval is attached at Annex A. Three positive comments were received from the consultation which has resulted in no changes. These positive comments and responses are shown at Part B of the report.

Implementation Timetable including Future Decisions

Once agreed by Council, the new Statement of Licensing Policy will come into immediate effect.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

No specific risks have been identified in relation to this decision.

Equality and Diversity

An Equality Impact Assessment has been undertaken (attached at Annex C) and no significant issues that needed addressing were identified.

Background Papers: [LC 08 Feb 2022 Item 05 Review of Statement of Licensing Policy.pdf \(moderngov.co.uk\)](#)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s182-of-licensing-act-2003>

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Part B

Background

1. Under the terms of the Licensing Act 2003, the Council is required to carry out a review of its Statement of Licensing Policy, which is used to determine all applications made under the terms of the Act, every five years.
2. The Statement of Licensing Policy was last reviewed, and amendments adopted, by Full Council on 26th June 2017 (minute 20.1 2017/18 refers). A new Statement must therefore be consulted upon and approved by Full Council.
3. A report was submitted to the Licensing Committee on 8th February 2022 setting out a draft revised Statement of Licensing Policy. At its meeting the Licensing Committee approved the draft revised Statement of Licensing Policy.
4. A link to the draft Statement of Licensing Policy was included in the consultation letter dated 14th February 2022, sent out to all consultees. This letter is attached at Annex B.
5. The consultation period for the Statement of Licensing Policy closed on 18th March 2022. During the consultation process, the following bodies were consulted:
 - the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary)
 - Business and residents (relevant residents 'groups)
 - Local Councillors
 - British Beer and Pub Association
 - Pub Watch
 - Solicitors
 - Premises Licence Holders
 - Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area)
 - Premises Licence Holders of Late-Night Refreshment premises in the CIZ area.
 - Personal Licence Holders
 - Club Premises Certificate holders.

The consultation was also featured on the Council's website.

6. Three responses were received within the consultation period, two from Premises/Club licensee and the other from Charnwood Borough Council Environmental Protection Manager. Environmental Protection act as a Responsible Authority under the Licensing Act 2003.
7. The premises licence holder made several comments. The comments and how they were addressed are set out below.

*'All of the items make sense, and most of them will have little effect on the way we operate. The one area I'm pleased to see getting an airing is that of **Representations (Section 16)**. We have been successful with three planning applications for change of use to Micropubs but then with two of them have had objections for the Licence that, in my humble opinion, have had no relevance to the Licensing Objectives but simply a last-ditch attempt to stop the project. The last time it cost me £2,000 in legal representation to ensure the project continued. It was a unanimous decision from the Committee. I'd therefore welcome some sort of "triage" to the objections rather than for it to go to Committee which is costly for the both of us'*

The Licensing Manager sent the following response.

'Unfortunately, the Licensing Act is very prescriptive in its nature.

Guidance issued under section 182 of the Licensing Act 2003 states that representations can be made by Responsible Authorities and other interested parties, such as local residents etc and these representations must be received within the objection period, considered relevant and relate to one or more of the four licensing objectives. Representations are only relevant if they clearly relate to the likely effect of the grant of the application/variation on the promotion of at least one of the licensing objectives.

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Licensing Authority are required to follow these steps'.

8. The Second premises thanked the Licensing section for the consultation letter, that they had viewed the draft document on Charnwood's website and that they didn't have any comments to make. A thank you response was sent.
9. Charnwood Borough Councils Environmental Protection Manager sent the following email to Licensing.

'In reference to your consultation on the reviewed Statement of Licensing Policy I can confirm the Environmental Protection Team fully supports the changes, particularly in relation to the new sections on Environmental Health Intervention on TENS, representations and petitions. The section, Events in Charnwood is also a welcome inclusion and will hopefully help to ensure safety and consistency of approach at such events'.

A response to thank them for their comments was sent from Licensing.

Annexes

Annex A – Finalised Statement of Licensing Policy

Annex B – Consultation Letter

Annex C – Equality Impact Assessment