1.0 EXPECTED OUTCOME

1.1 The revised Policy has been subject to a formal consultation process and on the 10th November 2015 the Licensing Committee recommended that the revised Policy be adopted.

1.2 The Policy set out the basis on which decisions under the Licensing Act 2003 will be made. The Policy strives to achieve a local balance between the commercial interest of the licensing trade and the communities they serve and affect.

2.0 RECOMMENDATION

2.1 It is recommended that Council:

(1) Note the contents of this report; and

(2) adopt the revised Statement of Licensing Policy as attached to this report (as Appendix 1)

3.0 BACKGROUND AND PROPOSALS

3.1 A review of the Council’s Statement of Licensing Policy has been completed in accordance with the statutory timetable contained within the Licensing Act 2003. The revised Policy (Appendix 1) will provide a licensing framework for stakeholders within South Lakeland District Council.
3.2 Section 5 of the Licensing Act 2003 states that each Licensing Authority is to determine and publish a statement of its Licensing Policy once every five years. The Policy must be published before it carries out any licensing functions under the Licensing Act 2003.

3.3 In January 2005, during the transitional period leading up to the implementation of the Licensing Act 2003, this Council established its first Licensing Policy in preparation for receiving applications for premises licences later that year. In December 2010 the Council adopted a revised Statement of Licensing Policy (2011-2013). The Policy sets out the basis on which decisions under the Licensing Act 2003 will be made. The current Licensing Policy strives to achieve a local balance between the commercial interest of the licensing trade and the communities they serve and affect.

3.4 There have been national and legislative policy changes since 2010 and these changes are reflected in this updated revision of the policy.

4.0 CONSULTATION

4.1 Consultation has been carried out on the revised Policy document. Consultation took place from 29th June to the 18th August 2015.

4.2 Before determining its Policy for a five year period the Licensing Authority must consult the following:
   - The Chief of Police for the area;
   - The Fire Authority for the area;
   - The local authority’s Director of Public Health in England;
   - Persons/bodies representatives of local premises licence holders;
   - Persons/bodies representatives of local club premises certificate holders;
   - Persons/bodies representatives of local personal licences holders;
   - Persons/bodies representatives of businesses and residents in its area.

4.3 The results from the consultation exercise can be found in Appendix 2 of this report. There were in total 3 responses to the consultation and they were all in favour of the Policy and agreed to the contents. Some suggestions were made to the Policy and these were incorporated into the Policy. For example a further amendment has been made to page 24 of the Policy i.e. a section has been added on the Late Night Levy.

4.4 The Policy and consultation exercise were also available on South Lakeland District Council’s website.

4.5 Licensing Committee considered the matter at its meeting of 10 November 2015 and recommended that Council adopt the Policy.

5.0 ALTERNATIVE OPTIONS

5.1 There are no alternative options recommended. The Council is under a statutory duty to review its Statement of Licensing Policy and to publish the revised Policy by January 2016.
6.0 LINKS TO COUNCIL PRIORITIES

6.1 The Policy links into the Council plan priority of improving the health and reducing the health inequalities of our residents, by setting the expectations of each of the licensing objectives which may have an impact on the health of a resident. The Policy outlines expectations against each of the licensing objectives and how they are met.

7.0 IMPLICATIONS

7.1 Financial and Resources

7.1.1 There are no direct financial impacts associated with this report. Established revenue budgets have accommodated the costs of undertaking the consultation process.

7.2 Human Resources

7.2.1 There are no staffing implications; however any training and development needs are identified through the appraisal and one to one process. Any training and development needs will be actioned.

7.3 Legal

7.3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy every five years. Such a policy must be published before the Licensing Authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. During the five year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in light of feedback from the local community on whether the licensing objectives are being met. If the Licensing Authority determines and publishes its Policy in this way, a new five-year period commences on the date it is published. Previously, Licensing Authorities were required to determine their Licensing Policies for each three-year period. Licensing Policies published in respect of the three-year period which began on 7th January 2011 are able to be treated as though they apply for a period of five years beginning at that date. For this reason the current Licensing Policy is deemed to be valid for a period of five years, from the 4th January 2016 to the 4th January 2021.

7.3.2 When determining and publishing a Statement of Licensing Policy and licensing function, local authorities must have regard to the ‘Revised Guidance issued under 182 of the Licensing Act 2003’. Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for South Lakeland District Council to determine whether revisions to its own Licensing Statement are appropriate, following consultation outlined in section 4.

7.4 Social, Economic and Environmental

7.4.1 No sustainable impact assessment has been carried out because this proposal is considered to have a neutral impact on sustainability.

7.4.2 The Policy generally supports individuals and businesses by providing consistent and clear guidance on how the Council enforces the Licensing Act 2003 and promotes the four licensing objectives.
7.5 **Equality and Diversity**

7.5.1 The report will be available by various media such as hard copy, electronically and via the Council’s website. The Policy can also be translated upon request. An Equality Impact Assessment for this report can be found in Appendix 3. Overall the Policy has a neutral impact on residents, business owners and the Council as a whole.

7.6 **Risk**

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<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
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<tbody>
<tr>
<td>Failure to review and publish a revised Statement of Licensing Policy would constitute a contravention of the Licensing Act 2003.</td>
<td>In such circumstances the Council would be unable to properly fulfil its statutory licensing functions.</td>
<td>Procedure in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published in accordance with the statutory timetable.</td>
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</table>

**CONTACT OFFICERS**

Report Author – Hardeep Burnley, Principal Food, Licensing and Safety Officer, Tel: 01539-793473, email: hardeep.burnley@southlakeland.gov.uk

**APPENDICES ATTACHED TO THIS REPORT**

<table>
<thead>
<tr>
<th>Appendix No.</th>
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<tbody>
<tr>
<td>1</td>
<td>Statement of Licensing Policy 2016-2021</td>
</tr>
<tr>
<td>2</td>
<td>Results from Licensing Policy consultation exercise</td>
</tr>
<tr>
<td>3</td>
<td>Equality Impact Assessment</td>
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**BACKGROUND DOCUMENTS AVAILABLE**

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<th>Where it is available</th>
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## TRACKING INFORMATION

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<th>SMT</th>
<th>Scrutiny Committee</th>
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<td><strong>Council</strong></td>
<td><strong>Section 151 Officer</strong></td>
<td><strong>Monitoring Officer</strong></td>
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<td><strong>Ward Councillor(s)</strong></td>
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