

South Lakeland District Council
Council
Tuesday, 23 March 2021
Statement of Licensing Policy

Portfolio:	Economy, Culture and Leisure Portfolio Holder
Report from:	Director of Customer and Commercial Services
Report Authors:	Gareth Candlin, Operational Lead Specialist Services, Sean Hall, Principal Specialist (Health & Environment)
Wards:	(All Wards);
Forward Plan:	Exemption agreed with the Chairman of the Council

1.0 Expected Outcome

1.1 The need for a current Statement of Licensing Policy is critical to protect the Council's Residents and Licensed Premises interest. By acknowledging the need for a 12 month continuation to the current Statement of Licensing Policy which expired in January 2021. The Council will be able to better support licensed premises as they reopen as the current lockdown ends and give proper opportunity for the Members and other stakeholders to be properly engaged in the revised Statement of Licensing Policy over the next 12 months.

2.0 Recommendation

2.1 It is recommended that Council:-

- (1) Authorises the continuation of the Statement of Licensing Policy for a further period of 12 months effective from 5 January 2021 to 5 January 2022.**
- (2) Authorises retrospectively any decisions and action taken under the Licensing Policy between 5th January 2021 and the 23rd March 2021.**
- (2) In light of the Covid-19 Pandemic, delay consultation requirement for the Council's Statement of Licencing Policy to an appropriate time but before 5 January 2022.**

3.0 Background and Proposals

3.1 Licensing authorities are required to publish a Licensing Policy Statement every Five years under section 5 of the Licensing Act 2003. This details the strategic approach on how the licensing authority intends to operate and promote the licensing objectives in their area. Licensing authorities have regard to the licensing guidance issued by the Home Office in all their activities and must keep their Licensing Policy Statement under review and revised as appropriate.

3.2 When reviewing their policy, licensing authorities must consult:

- The chief officer of police for the licensing authority's area.
- The fire authority for that area.

- Each local authority's Director of Public Health in England.
- Representatives of holders of premises licences issued by that authority.
- Representatives of holders of club premises certificates issued by that authority.
- Representatives of holders of personal licences issued by that authority.
- Representatives of businesses and residents in its area.

3.3. The Council is required to have a statement of Licensing Policy, A copy of the Statement of Licensing Policy which we seek authorisation to continue is attached at Appendix 1.

3.4. It is considered that the proposal to continue with the Statement of Licensing Policy is the most prudent one considering the challenges of holding meaningful consultation when many of the consultees have either been closed (licensed premises), in lockdown (residents) or under significant increase workload (police)

3.5. By continuing the current Statement of Licensing Policy for a further 12 months (until January 2022) it will allow the authority to conduct a considered and thorough review of the Policy working closely with the Licensing and Overview and Scrutiny Committees.

3.6. Additionally it will allow meaningful consultation with the stakeholders listed in 3.2 to ensure the Statement of Licensing Policy is robust and properly serves the needs of those parties for the next 5 year period.

4.0 Consultation

4.1. The Chair of Licensing Committee and Chair of Overview and Scrutiny Committee have been consulted and are in agreement with the proposed continuation of the Policy.

5.0 Alternative Options

5.1. There are no alternative options to the proposals in this report. The Council is required to have a statement of Licensing Policy.

6.0 Links to Council Priorities

6.1. N/A

7.0 Implications

Financial, Resources and Procurement

7.1. There is no financial, resource or procurement implications in this case.

7.2. The Statement of Licensing Policy sits within the Budgetary and Policy Framework approved by Council on 28 March 2019 therefore permission to continue with the existing policy for a 12 month period until January 2022 must be taken by Council.

Human Resources

7.2. N/A

Legal

7.3. The Council is seeking to continue with its current policy, the Policy is part of the Budget and Policy Framework and requires approval from the Council meeting. Ordinarily reports would proceed to the Licensing Committee and through the Overview and Scrutiny Committee. There are no scheduled meetings of either Committee or therefore an emergency non-executive decision obtaining the approval of the Chairs of Overview and Scrutiny and the Licensing Committee to the approach being taken has been obtained.

- 7.4 A full consultation on the proposed future amendments to the Councils Licensing Policy will then be carried out in accordance with the Policy and Budget framework at the earliest opportunity.
- 7.5 The Council is required to have a Statement of Licensing Policy and this report seeks retrospective approval of any decisions and action taken between.

Health, Social, Economic and Environmental

- 7.6 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.7 If you have not completed an Impact Assessment, please explain your reasons:
The original Statement of Licensing was subject to this assessment, as this is a continuation to that and a comprehensive Health, Social, Economic and Environmental Impact Assessment will be completed in the next 12 months as part of the revised policy it is not consider to be required here.
- 7.8 Summary of health, social, economic and environmental impacts: N/A

Equality and Diversity

- 7.9 Have you completed an Equality Impact Analysis? No
- 7.10 If you have not completed an Impact Assessment, please explain your reasons:
The original Statement of Licensing was subject to this assessment, as this is a continuation to that and a comprehensive Equality Impact Analysis will be completed in the next 12 months as part of the revised policy it is not consider to be required here.
- 7.11 Summary of equality and diversity impacts: N/A

Risk

Risk	Consequence	Controls required
SLDC cannot adequately hold licensed premises to account because not having a current Statement of Licensing Policy diminish our position to take action.	SLDC would have less power to control Licensed premises that do not meet the expectations of the licensing objectives.	Continuation of Statement of Licensing Policy for 12 months until January 2022

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Statement of Licensing Policy 2016-2021

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	08/03/21	09/03/21
Section 151 Officer	08/03/21	12/03/2021
Monitoring Officer	08/03/21	12/03/2021
CMT	11/03/21	11/03/21

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A