

South Lakeland District Council
Council

Wednesday, 18 May 2022

**The Licensing Act 2003 - Review of Statement of
Licensing Policy**

Portfolio:	Economy, Culture and Leisure Portfolio Holder
Report from:	Director of Customer and Commercial Services
Report Author:	Sean Hall – Principal Specialist (Health & Environment)
Wards:	(All Wards);
Forward Plan:	Policy Framework Decision included in the Forward Plan as published on 21 st December 2021.

1.0 Expected Outcome and Measures of Success

- 1.1 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.
- 1.2 The Policy has been recommended to proceed to Council for adoption at The Licensing Committee meeting dated 7th February 2022 and Overview & Scrutiny Committee dated 4th March 2022.

2.0 Recommendation

2.1 It is recommended that the Council:-

- (1) Note the consultation undertaken with stakeholders during the period of 29th November 2021 to 9th January 2022;**
- (2) Note the recommendation from the Licensing Committee and Overview & Scrutiny Committee that the Policy proceed to Council for adoption;**
- (3) Adopt the revised Statement of Licensing Policy as attached to appendix 1 of this report.**

3.0 Background and Proposals

- 3.1 The Licensing Act 2003 (Section 5) provides 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 function under the Licensing Act 2003.
- 3.2 The purpose of this report is to inform members that 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.
- 3.3 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 and December 2015, the Council reviewed its existing policy and adopted a revised Statement of Licensing Policy.

- 3.4 The Statement of Licensing Policy is part of the Corporate Budget and Policy Framework and therefore requires approval by Full Council. Following public consultation, further details of which are contained at 5.0 of this report, the draft Policy was approved by members of the Licensing Committee at its meeting on 7th February 2022, and recommended to proceed to Council for adoption. The draft policy was also approved by members of the Overview & Scrutiny Committee at its meeting on 4th March 2022, and recommended to proceed to Council for adoption.
- 3.5 The current Licensing Policy is dated 2016 to 2021 and was continued for a 12 month period by Council in March 2021 due to unforeseen pressures on key stakeholders as a result of the Covid pandemic.
- 3.6 The draft Statement of Licensing Policy, attached at appendix 1 of this report closely follows the guiding principles set out in both the Licensing Act 2003 and Revised guidance issued under section 182 of Licensing Act 2003, published in April 2018. The Statement sets out the basis on which decisions under the Licensing Act 2003 will be made and strives to achieve a local balance between the commercial interest of the licensing trade and the communities they serve and affect.
- 3.7 There have been no key changes to existing licensing legislation since the previous version of this policy was formally adopted. Thus, the changes recommended in this review have updated reference to local government reorganisation at paragraph 1.15 of the policy, updated best practice guidance (appendix 3), and updated the list of consultees (appendix 4).
- 3.8 The impending changes brought about by the Local Government Reorganisation within Cumbria is likely to require further review and consolidation of respective authorities existing Statement of Licensing Policies in due course.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Draft Statement of Licensing Policy
2	Health & Sustainability Impact Assessment
3	Equality Impact Assessment
4	Response to the consultation

5.0 Consultation

- 5.1 Following approval by The Licensing Committee on 29th November 2021, a formal six week consultation period commenced with key stakeholders (listed in appendix 4 of the revised policy). The consultation was also available on the Councils website and a notice placed in the Westmorland Gazette and North West Mail advertising the consultation to the public.
- 5.2 The consultation concluded on 9th January 2022. One response was received, which was responded to by the Licensing Authority. A copy of the response is at Appendix 4.
- 5.3 As a result of the consultation and consideration of the response which was received, no amendments have been made to the draft policy.

6.0 Alternative Options

6.1 There are no alternative options recommended. The Council is under a statutory duty to review its Statement of Licensing Policy every 5 years and publish the approved policy document.

7.0 Implications

Financial, Resources and Procurement

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

Human Resources

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

Legal

7.3 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years. Such a policy must be published before the Council 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 the light of feedback from the local community on whether the licensing objectives are being met. If the Licensing Authority determines and publishes its policy this way, a new five-year period commences on the date it is published.

7.3.1 When determining and publishing a statement of its Policy and licensing function, local authorities must have regards to the 'Revised Guidance issued under 182 of the Licensing Act 2003'. Where revisions to the 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 the consultation as outlined in 5.

7.3.2 As detailed in 3.8 above, consideration will be required as part of the Local Government Reorganisation within Cumbria as to when a further review of the Statement of Licensing Policy will be required to ensure the new authority, commencing on the 1st April 2023, is compliant with the requirements of Section 5 of the Licensing Act 2003, see 3.2 above.

Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? Yes (attached at Appendix 2)

7.5 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
Environment and Health	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		

	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
Economy and Culture	Inclusive and sustainable development		X		
	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		
Housing and Communities	Standard of housing		X		
	Access to housing		X		
	Crime	X			
	Social connectedness		X		

Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? Yes (attached at Appendix 3)

7.7 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
Age	P	X	0		N	
Disability	P		0	X	N	
Gender reassignment (transgender)	P		0	X	N	
Marriage & civil partnership	P		0	X	N	
Pregnancy & maternity	P		0	X	N	
Race/ethnicity	P		0	X	N	
Religion or belief	P		0	X	N	
Sex/gender	P		0	X	N	
Sexual orientation	P		0	X	N	
Armed forces families	P		0	X	N	
Rurality	P		0	X	N	
Socio-economic disadvantage	P		0	X	N	

Risk Management	Consequence	Controls required
Failure to review and publish a revised Statement of Licensing Policy would constitute a contravention of the Licensing Act.	In such circumstances, the Council would be unable to properly fulfil its statutory licensing responsibilities.	Procedures are in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published in

Risk Management	Consequence	Controls required
		accordance with the statutory timetable.

Contact Officers

Sean Hall, Principal Specialist (Health & Environment)

Email - s.hall@southlakeland.gov.uk Tel – 01539 793411

Background Documents Available

Name of Background document	Where it is available
Licensing Act 2003	https://www.legislation.gov.uk/ukpga/2003/17/content_s
Revised Guidance issued under section 182 of the Licensing Act 2003, published April 2018	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
SLDC Statement of Licensing Policy 2016 - 2021	https://www.southlakeland.gov.uk/media/5689/slDC-statement-of-licensing-policy.pdf
Decision details following report to Council to extend Statement of Licensing policy, dated 23 rd March 2021.	https://democracy.southlakeland.gov.uk/ieDecisionDetails.aspx?AllId=21211

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	09/03/22	09/03/22
Monitoring Officer	09/03/22	10/03/22
Director of Customer & Commercial Services	09/03/22	09/03/22

Circulated to	Date sent
Lead Specialist	09/03/22
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