



**Committee and Date**

Strategic Licensing Committee

14 June 2023

Item

Public



# Statement of Licensing Policy – Licensing Act 2003

**Responsible Officer:**

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**Cabinet Member (Portfolio Holder):**

Councillor Richard Marshall, Portfolio Holder for Highways and Regulatory Services

## 1. Synopsis

1.1 The Licensing Act 2003 ('the Act') requires the Council to prepare and publish a statement of licensing policy with respect to its licensing functions at least every five years. During the five-year period, the policy must be kept under review and the Council may make any revisions to it as it considers appropriate.

## 2. Executive Summary

2.1. The Shropshire Plan recognises the importance of supporting businesses to provide safer services. The fundamental purpose of the Licensing service is to support businesses to deliver their services in a way which both allows them to thrive whilst protecting the safety and welfare of the public who live, work and visit Shropshire; together this will help to achieve a Healthy Economy.

- 2.2. The report sets out the proposed statement of licensing policy for 2024 to 2029 upon which the Council proposes to consult.

### 3. Recommendations

- 3.1. That the revised Licensing Act 2003 Proposed Statement of Licensing Policy 2024 to 2029 as agreed by the Committee and set out in **Appendix 1** be approved for consultation.

## Report

### 4. Risk Assessment and Opportunities Appraisal

- 4.1. The preparation and publishing of the statement of licensing policy is a legal requirement under the Act.
- 4.2. If the Council fails to prepare and publish the statement of licensing policy the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the statement of licensing policy, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise those functions.
- 4.3. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) is being prepared and will be made available to the Committee following the conclusion of the consultation process.
- 4.4. The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Home Office.
- 4.5. The Act requires the Council to consult on the proposed policy and this is the basis of the recommendation set out at paragraph 3.1 above. The Act sets out the parties with whom the Council must consult. These are listed in the extract from the Act at **Appendix 2**. Officers consider that consultation with the parties identified in the Act is sufficient and do not, at this time, consider anyone else to be relevant for the purposes of the consultation.
- 4.6. The consultation process will have regard to the current government consultation principles including providing for a ten week period from 19 June 2023 to 27 August 2023 to receive responses. The outcome of the consultation will inform the revision of the policy and the Committee will have the opportunity to consider this at a future meeting.
- 4.7. Included as part of the proposed Statement of Licensing Policy 2024 to 2029 is the most recent Local Area Profile. This profile is currently being updated and the

revised version will form part of the revision of the whole policy and the Committee will have the opportunity to consider this at a future meeting.

## 5. Financial Implications

- 5.1. The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs of publishing the statement of licensing policy. These costs are recovered through the statutory licensing fees.

## 6. Climate Change Appraisal

- 6.1. There is no anticipated environmental impact associated with the recommendation in this report.

## 7. Background

- 7.1. The Council has ultimate responsibility for determining the Council's statement of licensing policy and this cannot be undertaken by the Strategic Licensing Committee or Cabinet.
- 7.2. There are no defined legal procedures that must be adhered to by the Council prior to the statement of licensing policy taking effect; other than to ensure the statement of licensing policy is the subject of consultation and is published. The Council may determine the most appropriate means by which to achieve this.

## 8. Additional Information

- 8.1. Unless there are specific reasons for an earlier review and publication of a revised statement of licensing policy, the Council will be required to undertake the next formal consultation process under the Act during 2028 with the aim of a revised statement of licensing policy being effective from 1 April 2029.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

The Licensing Act 2003 - 2003 Chapter 17  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 - SI 2000/2853 [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2000/2853/contents)

Home Office Revised Guidance Issued Under Section 182 of the Licensing Act 2003 – January 2023 [Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

Shropshire Council Statement of Licensing Policy 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

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**Local Member:** This report covers all areas of Shropshire.

### Appendices

**Appendix 1** - Licensing Act 2003 Proposed Statement of Licensing Policy 2024 to 2029

**Appendix 2** - Extract from Section 5 of the Licensing Act 2003 (2003 Chapter 17)