

**Committee and Date**

Strategic Licensing Committee

4 October 2023

Item

Public



Statement of Licensing Policy – Licensing Act 2003

Responsible Officer:

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Cabinet Member (Portfolio Holder):

Councillor Chris Schofield, Portfolio Holder for Planning 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 As agreed by the Strategic Licensing Committee, a period of formal consultation has been undertaken in respect of the draft statement of licensing policy which was considered by the Committee on 14 June 2023. This report sets out the minor amendments to the draft policy statement, with a view to agreeing a revised statement that may be reported to the Council for final approval.
- 2.2. This report sets out the proposed statement of licensing policy from 1 April 2024 to 31 March 2029.

3. Recommendations

- 3.1. That the Committee considers the revised Licensing Act 2003 Statement of Licensing Policy 2024 to 2029 as set out in **Appendix A**.
- 3.2. That the Committee recommends to the Council that the policy be published and advertised by the Transactional Management and Licensing Team Manager in accordance with the provisions of the Act and that the policy statement will take effect from 1 April 2024.

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) has been undertaken; utilising evidence already held by the service area. The full ESHIA document can be found at **Appendix B**.
- 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 revised policy stems from provisions within the Licensing Act 2003 and is intended to benefit the community as a whole by generally improving the licensing regime operated by the Council, this will naturally lead to benefits for people across the nine Protected Characteristic Groupings as set out in the Equality Act 2010.

This is simply because they are part of the wider community. The policy will be a key tool that will drive licensing related standards up for everyone.

- 4.6 For all the Protected Characteristic groupings, the impact of the proposed policy is accordingly rated as 'low positive'. However, in practice the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings. Once the policy is in force, there is potential for any officer of the Council to help by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the licensing team. This could help ensure effectiveness as well as efficiency of the new policy and therefore increase positive impacts across groupings.
- 4.7 As no feedback was received regarding Equality and Social Inclusion Impact issues for Protected Characteristic groupings during the consultation period that has just concluded, the Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been updated only to clarify the specific consultation period. The groupings for whom there will be direct impacts, and with whom there will continue to be efforts made to ensure that impacts are kept under review, remain as follows: Age, in relation to children and young people; Disability, in relation to vulnerable adults; and intersectionality between these groupings and other groupings. This is particularly for those whom we may describe as vulnerable. This includes armed forces service personnel and ex-armed forces personnel. It continues to be the case that, across all nine national Protected Characteristic groupings and our tenth grouping in Shropshire of social inclusion, the impact is predicted to be 'low positive'. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take specific actions to mitigate or enhance the impact.
- 4.8 Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to alcohol related harm, through working with the Council's Feedback and Insight Team. By continually reviewing emerging information, trends and risks, the Council will have to consider the implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.
- 4.9 Included as part of the proposed Statement of Licensing Policy 2024 to 2029 is the most recent Local Area Profile. The Local Area Profile can be found at **Appendix C**.

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. The consultation was undertaken for a ten week period from 19 June 2023 to the 27 August 2023.
- 7.3. 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.
- 7.4. The consultation was publicised through the Council's 'Get involved' section of its website, through a press release, on the Council's and licensing team's social media platforms and direct emails to all existing premises licence holders where an email address was available.
- 7.5. In addition, direct engagement, by email and/or face-to-face discussions, was undertaken with a range of trade representatives, responsible authorities, solicitors specialising in licensing matters that are in regular contact with the Council's licensing team, pub companies/breweries and other relevant stakeholders. This was done to ensure that all stakeholders were fully aware that the policy was being consulted upon and to encourage all interested parties to provide feedback in relation to the content and format of the whole policy.
- 7.6. No consultation responses were received.
- 7.7. The policy has been embedded in the processing of licences under the Licensing Act 2003 since a major revision of the policy was undertaken in 2018, licence applicants and stakeholders continue to positively engage with the requirements of the policy. Although no responses were received officers consider this an endorsement that the policy is working effectively.
- 7.8. No major changes have been made to the policy; officers have made corrections to drafting errors only.

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/ukpga/2000/2853)

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 \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1088882/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_(December_2022)_accessible.pdf)

Shropshire Council Statement of Licensing Policy 2019 – 2024

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

Local Member: This report covers all areas of Shropshire.

Appendices

Appendix A - Licensing Act 2003 Proposed Statement of Licensing Policy 2024 to 2029.

Appendix B - Equality, Social Inclusion and Health Impact Assessment (ESHIA).

Appendix C - The Local Area Profile.