

## Statement of Licensing Policy under the Licensing Act 2003

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### Purpose of the Report

1. To inform Council of the Draft Statement of Licensing Policy and the revision to its contents.

### Forward Plan

2. This report did not appear on the District Executive Forward Plan due to a extension change with the Consultation process. This item appears as a recommendation directly from the Licensing Committee which was held on 12 July 2022.

### Public Interest

3. Every five years, the Council as Licensing Authority, is required to publish its Statement of Licensing Policy in order to exercise its licensing function under the Licensing Act 2003 and publish a statement of that policy.

### Recommendations

The Licensing Committee recommend that Full Council agree to:

- a) Approve the Statement of Licensing Policy as amended
- b) Approve the Licensing Policy for publication prior to implementation

### Background

4. This is the sixth Statement of Licensing Policy for this Council. The draft Policy, including the amendments is attached at **Appendix A**.

### Fundamental Principles of the Statement of Licensing Policy

5. In determining the policy, the Council must have regard to the Guidance issued under Section 182 of the Act, as well as to the views of those it has consulted.

6. Following consideration of each of the points raised in the consultation process, the draft policy does not at any point depart from the Section 182 Guidance from the Government.
7. Whilst the Statement of Licensing Policy should set out the approach that the Licensing Committee and Sub Committee will adopt when considering different kinds of applications and representations, it should not ignore or be inconsistent with provisions within the Act. For example, an individual's right to apply for a variety of permissions and to have any application considered on its own merits should not be undermined.

### **Details of Amendments from the Previous Policy**

8. Amendments to this policy from the previous policy are:
  - i. That as a result of lack of evidence to support the continuance of a Cumulative Impact Policy (CIP), that this is removed. This does not preclude consideration of a future CIP if evidence is provided to support its implementation.
  - ii. That the Licensing Authority require a Full or Minor Variation application to move the location of a mobile structure
  - iii. The Licensing Authority wishes to provide a non-exhaustive check list for applicants use prior to the submission of a Temporary Event Notice.
  - iv. That organisers of large-scale events should submit along with their licence application any supplementary document(s) clearly setting out how the event will be managed. These are referred to as Event Management Plans. The reason for this is to assist the applicant with providing a detailed plan to inform the responsible authorities how the applicant intends to manage the event and address the licensing objectives.
  - v. That a new reference to the Climate and Ecological Emergency is considered and addressed in the licence application. This is to encourage applicants to consider taking steps during the planning of the event to reduce the burden on the environment without compromising event safety.
  - vi. Additional information has been included on the Members Code of Conduct. This is by way of clarification as to how the Council currently operates its code of conduct.

### **Consultation**

9. Before determining its policy for the next five-year period, the following must be consulted: -
  - a. The Chief Officer of Police
  - b. The Fire Authority
  - c. Public Health
  - d. Persons/bodies representative of local holders of Premises Licences
  - e. Persons/bodies representative of local holders of Club Premises Certificates
  - f. Persons/bodies representative of local holders of Personal Licences
  - g. Persons/bodies representative of Businesses and Residents.

10. The views of all the bodies listed should be given appropriate weight before the policy is determined.
11. The Licensing Service additionally consulted with recognised trade bodies.
12. The consultation was held from 24 January 2022 and concluding on 10 June 2022. Notification of the consultation was conducted by email with a link to the draft Statement of Licensing Policy and questionnaire published on the SSDC website.
13. The responses to the draft policy were presented to the Licensing Committee for consideration following the close of the consultation. The meeting was held on 12 July 2022.

### **Financial Implications**

14. The government indicates that they expect the centrally set fees of the Licensing Act 2003 to cover the cost to the council of administering the licensing regime, which would include the preparation of the revised policy, and the mailshot.

### **Legal implications (if any) and details of Statutory Powers**

15. The Licensing Authority is required to act in accordance with the:
  - provisions of the Licensing Act 2003; and have regard to,
  - statutory guidance issued by the Secretary of State, and
  - Council's Statement of Licensing Policy, in its determination of applications.
16. Section 5 of the Licensing Act 2003 provides that a Licensing Authority must, every 5 years, determine and publish a Statement of Licensing Policy.
17. The integrity of the Statement of Licensing Policy has the potential to directly impact upon the Council's determination of applications under the Act and as such decisions made could be the subject of judicial review or appeal.
18. The Licensing Authority in determining applications and taking enforcement action pursuant to the Licensing Act 2003 will also have regard to the provisions of the Human Rights Act 2010.
19. The licensing objectives that the licensing authority must adhere to in carrying out its duties to ensure that the carrying on of licensable activities on or from premises is done in the public interest are: -
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.

## **Council Plan Implications**

20. This revised policy supports the Council Plan aims of 'Protecting Core Services' and 'Environment' Areas of focus.
- Deliver a high quality, effective and timely service to our customers

## **Carbon Emissions and Climate Change Implications**

21. This policy is primarily focused on setting out how the Council will deliver its statutory function under the Licensing Act 2003 and does not have any implications for Carbon Emissions and Climate Change. However, the addition of a section on Sustainable Event Management will help to promote the Council's commitment to address Climate Change impacts and encourage event organisers to consider how they can reduce the impact of their events.

## **Equality and Diversity Implications**

22. A stage 1 Equality Analysis (EqA) has been carried out which does not identify any impacts on any persons with protected characteristics.

## **Privacy Impact Assessment**

23. The policy which is the subject of this report does not in itself involve the processing or handing of personal data. The processing of application forms in accordance with this policy currently involves the handling of personal data and no changes are being made to how that data is processed. The consultation process is likely to result in personal data being processed. The responses would be handled by SSSDC and any responses would have any personal details removed before being published.

## **Background Papers**

Licensing Act 2003  
Current Statement of Licensing Policy  
Section 182 Guidance issued by the Secretary of State