

Telford & Wrekin Council

Licensing Committee – 27th October 2020

Review of the Council's Statement of Licensing Policy

Report of the Public Protection Manager

1. Purpose

- 1.1 The statutory five (5) yearly review of the Council's Statement of Licensing Policy made under the Licensing Act 2003 has been completed and following a public consultation an amended policy produced by officers.
- 1.2 Members of the Licensing Committee are requested to consider the amended Statement of Licensing Policy with a view to recommending its approval and adoption by Council.

2. Recommendations

- 2.1 That having considered the amended Statement of Licensing Policy the Licensing Committee approve that it be presented to Council at its meeting on 26th November 2020; and
- 2.2 That Licensing Committee recommend the Council approve and adopt the amended Statement of Licensing Policy to be implemented on 7 January 2021.

3. Summary

- 3.1 It is a statutory requirement to review the Statement of Licensing Policy every five years.
- 3.2 Following the review undertaken by Public Protection, the draft policy document was subject to an 8 week public consultation. There has been one response to the consultation.
- 3.3 The policy and any amendments made as a result of the consultation will need to be approved by Full Council on 26th November 2020 and implemented on 7th January 2021.

4. Previous Minutes

- 4.1 There are no previous Minutes.

5 Information

5.1 Background.

5.1.1 The Licensing Act 2003 provides for four different types of authorisation as follows:

- Personal licences – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.
- Premises licences – to use a premises for licensable activities
- Club premises certificates – to allow a qualifying club to engage in qualifying club activities.
- Temporary event notice (TENs) – to carry out licensable activities at a temporary event

The Licensing Authority is responsible for the administration and determination of applications for the above types of authorisation.

5.1.2 Under Section 5 of the Licensing Act 2003 (the Act), Telford & Wrekin Council, (the Licensing Authority) must publish a statement of its licensing policy every five years. In carrying out its functions under the Licensing Act 2003 the Licensing Authority will have regard to its policy and to Home Office Guidance issued under [section 182 of the Licensing Act 2003](#).

5.1.3 The policy also sets out the expectations of the Licensing Authority on the ways that the Licensing Authority and licensed premises can work together with other partners to improve the licensing economy of the Borough, both during the day and night.

5.1.4 This version, if approved, will remain in force until 2026, when it will be subject to review and further consultation as laid down by the legislation, unless such review or consultation is required in the interim.

5.1.5 The draft document for the revised Statement of Licensing Policy has been prepared in accordance with the Revised Guidance issued under section 182 of Licensing Act 2003.

5.1.6 A public consultation of the revised draft document took place from 2nd July 2020 to 27th August 2020.

5.1.7 A full list of consultees is attached at **Appendix A**.

5.1.8 Public Protection received one response to the consultation. This was from the Regional Organiser of the Musicians' Union, Midlands Regional Office and is attached at **Appendix B**. The issues identified by the Musicians' Union have been considered by the Public Protection Manager and Principal Licensing Officer and the draft document has

been amended where appropriate. (These amendments are shown in red in the policy document.) The revised Statement of Licensing Policy is attached at **Appendix C**.

5.2 Equal Opportunities

5.2.1 Following the formal consultation, a Communities Impact Assessment has been carried out (**Appendix D**) which considers the effect of the policy on all sections of our community and staff and has addressed the Council's Public Sector Equality Duty.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 The statutory requirements to review and consult in respect of the Council's Statement of Licensing Policy are set out within this report. Compliance with these requirements ensures that decisions made by either Licensing Committee, or Officers under delegated authority, cannot be legally challenged simply on the basis of a failure to carry out this statutory duty.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- Every child, young person and adult lives well in their community
- Everyone benefits from a thriving economy
- All neighbourhoods are a great place to live
- A community-focussed, innovative council providing efficient, effective and quality services

5.6 Financial Comment

The cost of the consultation exercise to be undertaken on the amendments made to the Statement of Licensing Policy will be met from budgets within Public Protection. Licence fees are made by Statutory Regulation and cannot be calculated by the Licensing Authority.

5.7 Opportunities and Risks

5.7.1 In reviewing the Statement of Licensing Policy made under the Licensing Act 2003 the Corporate Risk Management Methodology has

been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision have been identified and assessed and arrangements will be put in place to manage them.

5.7.3 A failure to review and consult in respect of the Statement of Licensing Policy as required by the Licensing Act 2003 could lead to decisions made by either the Licensing Committee, or Officers under delegated authority, being appealed or challenged by way of judicial review due to the Council's failure to comply with their statutory duty. This would be accompanied by the associated costs and reputational risk involved with this. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1 This report has implications for all wards in the Borough.

7. Background Papers

7.1 Licensing Act 2003

7.2 Revised Guidance issued under S.182 of the Licensing Act 2003

7.3 Telford & Wrekin Statement of Licensing Policy.

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