

Report for: **Licensing Committee**

Date of Meeting:	28 June 2024
Subject:	REVIEW OF THE STATEMENT OF LICENSING POLICY AS REQUIRED BY THE LICENSING ACT 2003
Cabinet Member:	David Wulff, Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Enclosures:	Annex A – Proposed revised policy Annex B – Updated Hearing Procedures

Summary:

The Council, as the Licensing Authority, must adopt a statement of licensing policy (the ‘policy’) that sets out how it carries out its duties under the Licensing Act 2003 (the ‘Act’). That policy must be reviewed every five years and this report considers the next review of this document.

Recommendation(s):

- 1. It is recommended that the Licensing Committee agree to consult on the proposed revised policy (attached as Annex A).**
- 2. It is recommended that the Licensing Committee agree the updated Hearing Procedures (attached as Annex B).**

1 Introduction

- 1.1** The Act requires this Council, as the Licensing Authority, to produce a policy that sets out how it will carry out its duties under the Act.
- 1.2** The existing licensing policy has been updated with proposed tracked changes and is attached as Annex A. No significant changes are being proposed as part of this review. There is mainly tidying up of terminology and definitions.

1.3 The Hearing Procedures have also be updated to reflect minor details including change of Member Services to Democratic Services and points of clarity in the process. These changes are highlighted within the document attached as Annex B.

2 Consultation

2.1 The Act requires the Licensing Authority to consult with Responsible Authorities and those it considers to be representative of licence and certificate holders, businesses and residents.

2.2 We are proposing to consult with the following parties:

- The Chief Officer of Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Weights and Measures (Trading Standards)
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- The Council's - Environmental Health Service
- The Council's - Planning Service
- Home Office
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

2.3 The consultation will be published via the Let's Talk Mid Devon platform via the Council's website.

2.4 It is not felt that any of the proposed changes to the policy are major and as a result, a 6 week consultation period is proposed. This would run from 8 July until 18 August 2024.

3 Proposed changes to the policy

3.1 What follows is a brief summary of the main amendments to the policy. There are other minor changes to the policy but it is not felt necessary to document them all here as they are minor in nature (for example, updating a link or providing a bit more information on a specific point).

Removal of Appendix C (Pool of Conditions) and Appendix D (Code of good practice for licensed premises)

3.2 The existing policy included these two documents as appendices but on reflection, it is felt they are better as standalone documents as they do not relate

to the policy directly but are helpful guidance for the applicants and licence holders.

- 3.3 This will not have an impact on their use or availability as will still intend to make them available online. However, removing them as appendices ensures any updates to them can be done efficiently and without having to update multiple documents.

Additional information on non-licensable activities (page 18)

- 3.4 Since the introduction of the Act there has been a significant change in the licensing of entertainment. In general, it is now possible for more forms of entertainment to take place without the need for a licence.
- 3.4 We wanted to add a brief note in the updated policy acknowledging that issues or concerns as a result of 'non-licensable' activities (including music in certain scenarios) can be addressed either via Environmental Health or Licensing, or both.

Additional information on large scale public events and the Safety Advisory Group (SAG) (page 24)

- 3.5 This has been added to highlight the importance of the SAG, especially with regards to larger events that have the potential to undermine the licensing objectives if not organised and run properly. This section encourages event organisers to engage in this process at an early stage and also highlights the potential need for a premises licence, depending on the number of people due to attend the event.

Prevention of crime and disorder (page 48)

- 3.6 In accordance with the LGA guidance note on drink spiking prevention (2022), we have added reference to spiking and sexual harassment. These items have been given as examples of the types of things an applicant should consider in relation to their premises.
- 3.7 The LGA guidance note also suggests that councils should consider referring to relevant training packages in the policy. We intend to update the Code of good practice for licensed premises with information about this as it will give us the flexibility to update details as and when required. An example of such a scheme that we will look to include information about is 'Ask For Angela' - <https://askforangela.co.uk/>.

Safeguarding (page 50)

- 3.8 This section on safeguarding is added to ensure applicants and licence holders consider the potential safeguarding issues their particular application or business may present.
- 3.9 A wide array of premises are licensed and it is felt appropriate to recommend that those that provide entertainment to children and youths complete basic

training in safeguarding - such training is readily available online. We have also highlighted the potential requirement for a DBS check.

4 Next steps

- 4.1 If agreed, the Licensing Team will arrange for, and conduct the proposed consultation.
- 4.2 The results of this will be presented to the Licensing Committee later in the year with a view to them recommending to Full Council the adoption of an updated policy.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a licensing policy.

Risk Assessment: If the licensing policy is not properly adopted it could be subject to legal challenge and therefore, possible reputational damage for the Council.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 19 June 2024

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 19 June 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 24 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 19 June 2024

Cabinet member notified: Yes

Contact for more Information:

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Background Papers:

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- MDDC Statement of Licensing Policy - <https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>