
Licensing & Regulatory Committee
Cabinet Member for Policing and Equalities
Council

2 March 2021
8 March 2021
16 March 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title:

Licensing Act 2003 – Revised Statement of Licensing Policy 2021 - 2026

Is this a key decision?

No

Executive Summary:

The purpose of this report is to update Members on the outcome of the 8-week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003 and to recommend for approval a revised policy for the period 2021 - 2026.

Recommendations

- 1 That Licensing and Regulatory Committee considers the results of the revised Statement of Licensing Policy consultation (Appendix B) and the revised Statement of Licensing Policy (Appendix A) and notifies the Cabinet Member of its comments.
- 2 That Cabinet Member considers the revised Statement of Licensing Policy (Appendix A) and the results of the consultation (Appendix B) in light of any comments from the Licensing and Regulatory Committee and, following any amendments made:

Recommends to full Council on 16th March 2021 that it adopts the revised Statement of Licensing Policy attached as Appendix A for the purposes of Section 5 of the Licensing Act 2003.

List of Appendices included:

- Appendix A - Draft Statement of Licensing Policy 2021 – 2026
- Appendix B - Summary of consultation responses
- Appendix C - Main changes to Statement of Licensing Policy.

Other useful background papers:

1. Licensing Act 2003
2. Licensing Act 2003 Guidance (section 182)
3. Current Licensing Policy
4. Government Policies and Guidance
5. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (now repealed and replaced with (Coronavirus, Restrictions) (England)(No.2) Regulations 2020).
6. Local Government Association Publication (updated 17 April 2020) - Approaches to managing licensing and related issues during the COVID-19 pandemic
7. Letter to Licensing Authorities (dated 8 April 2020) from Kit Malthouse MP, Minister of State for Crime and Policing

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Licensing & Regulatory Committee – 6th October 2020 and 2nd March 2021

Cabinet Member for Policing and Equalities – 5th October 2020 and 8th March 2021

Will this report go to Council?

Yes – 16th March 2021

1. Context (or background)

- 1.1 The Licensing Act requires each licensing authority to prepare and publish a Statement of Licensing Policy. The policy statement sets out how the authority intends to approach its licensing responsibilities and in particular how it intends to promote the four licensing objectives. This policy has to be renewed every five years and be subject to a full consultation process.
- 1.2 The current Statement of Licensing Policy came into effect on 6th January 2016, to cover a period up to January 2021. However, due to the pandemic, and on the advice of the Local Government Association (LGA), the Cabinet Member for Policing and Equalities approved the decision to delay the consultation on the draft Statement of Licensing Policy 2021 – 2026, and that the existing Statement of Licensing Policy be extended past the 6th January 2021, until the draft policy has been consulted on and approved.
- 1.3 Cabinet Member for Policing and Equalities on 5th October 2020 and Licensing and Regulatory Committee on 6th October 2020 considered a report on the draft revised Statement of Licensing Policy and authorised the Director of Streetscene and Regulatory Services to consult on its contents.
- 1.4 This report outlines the comments received and proposed amendments to the Council's draft Statement of Licensing Policy.
- 1.5 This is the fourth Statement of Licensing Policy produced by the Licensing Authority under the Licensing Act 2003. The general principles of the Licensing Policy remain the same and the document is centred around the Licensing Act's four licensing objectives, namely:-
 - the prevention of crime and disorder;
 - ensuring public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm;
- 1.6 The policy has been reviewed throughout to ensure consistency with the latest changes in legislation, regulations and guidance issued by the Secretary of State.
- 1.7 Following public consultation, the revised draft Statement of Licensing Policy is now ready to be recommended for adoption to take effect from 16th March 2021 (Appendix A).

2. Options considered and recommended proposal

- 2.1 That Licensing and Regulatory Committee considers the results of the revised Statement of Licensing Policy consultation (Appendix B) and the revised Statement of Licensing Policy (Appendix A) and notifies the Cabinet Member of its comments.
- 2.2 That Cabinet Member for Policing and Equalities is requested to consider the results of the consultation on the revised Statement of Licensing Policy for the period 2021 - 2026 and, in light of any comments from the Licensing and Regulatory Committee, recommend to Council that it adopts the revised Statement of Licensing Policy (attached as Appendix A) for the purposes of Section 5 of the Licensing Act 2003.

3. Results of consultation undertaken

- 3.1 The public consultation exercise opened on 9th October for an 8-week period and closed on 4th December 2020.
- 3.2 All statutory consultees have received a full copy of the draft Licensing Policy and notification of the draft Policy was circulated to Elected Members. The draft policy was also made available on the Council's website from 9th October 2020 until 4th December 2020 and letters were sent to all licensed premises, Responsible Authorities, resident associations, events organisers, places of worship and other public consultees inviting them to comment.
- 3.3 Although a city-wide consultation has taken place on the revised draft policy, there has been very little response to the consultation. This may be because it is generally considered that the discretion of the Council in reviewing the Policy is limited as the Licensing Act, government guidance and regulations closely prescribe how local authorities carry out the licensing functions. It is also possible that the ongoing Coronavirus pandemic has had an effect on the number of responses, due to the hospitality industry being forced to close during some of the consultation period.

There have been 21 responses received, the majority of which have returned no comments. The few comments that were received do not impact upon the revised policy document (summarised in Appendix B). Therefore, no further amendments are required and a summary of the main changes and additions to the Licensing Policy is attached at Appendix C.

4. Timetable for implementing this decision

- 4.1 On 5th October 2020 The Cabinet Member for Policing and Equalities approved to authorise the use of the existing Statement of Licensing Policy 2016 – 2021 between the period of 6th January 2021 until the revised Statement of Licensing Policy is approved by full Council. This decision was taken to allow the Council to carry out any function in respect of individual applications under the Licensing Act 2003.

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs involved in publishing the Statement of Licensing Policy. These costs will be managed within existing budgets.

5.2 Legal implications

The Statement of Licensing Policy has been drafted to reflect current legislative requirements and compliance with the statutory guidance issued under Section 182 of the Licensing Act 2003. In carrying out its functions, the Council is required to have regard to the policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act. The authority may depart from its policy when it considers it appropriate to do so.

The Coronavirus pandemic has placed the UK into unprecedented times, therefore the decision to delay consultation was taken on advice from the Local Government Association (LGA), who considers this to be a pragmatic approach in the circumstances and has advised the Home Office that this should be acceptable, assuming work is progressed once

some level of normality has returned. A formal decision was approved to continue with the existing policy until it is presented to full Council.

The licensing function is carried out by the Council's Licensing & Regulatory Committee with the exception of the approval of the policy statement, which must be approved by Full Council.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The prevention of crime and disorder is at the centre of the licensing regime and there are strong structural links between the administration of the licensing process and the role of the Community Safety Partnership and West Midlands Police. The Licensing policy acknowledges the Community Safety Plan and gives information about proposed enforcement protocols with the Police and other enforcement authorities. As a Responsible Authority, the Police have been a key consultee.

One of the licensing objectives is 'the Protection of Children from Harm'. Applicants are required to show how they will address this objective in their operational schedule when making applications. The Coventry Safeguarding Children Board is a Responsible Authority consulted when applications are made.

Although there is not a specific licensing objective related directly to health within the current legislation, Public Health is a Responsible Authority. Alcohol has been identified as a priority within Coventry's Health and Wellbeing Strategy. Public health related licence conditions will be used where practicable to reduce the impact of alcohol on public safety and other licensing objectives

6.2 How is risk being managed?

If the Licensing Policy is not renewed in the above timeframe, the City Council will not be able to perform its function under the Act, which is why a formal decision has been sought to continue with the existing Statement of Licensing Policy while the revised Statement can be consulted on and adopted.

The Statement of Licensing Policy will inform decisions taken by the licensing authority that will have an impact on the interests of private individuals and businesses. The policy reflects the need to respect the relevant rights given by the Human Rights Act

Decisions of the licensing authority are open to challenge through the Magistrates Court and beyond. The Statement of Licensing Policy is designed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

6.3 What is the impact on the organisation

The adoption of the policy should have no impact on the organisation. There are no human resource, financial or ICT implications.

6.4 Equalities / EIA

The Licensing Policy makes links to the Council's Equality and Diversity Policies and an Equalities Impact Assessment exists for licensing activities. This will be reviewed and updated as part of the consultation process.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

The Licensing Policy contributes towards the work of the Community Safety Partnership and specifically with the work of the Police and Fire services.

The effective operation of the policy by the licensing authority and all enforcement agencies has an impact on the night-time economy and on the co-existence of licensed premises with local residents and communities.

6.7 Human Rights Act Implications

None.

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