

## COMMUNITY SERVICES AND LICENSING COMMITTEE

25 JUNE 2020

6

<b>Report Title</b>	<b>STROUD DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003</b>			
<b>Purpose of Report</b>	To provide information that will allow Committee to consider a Draft Statement of Licensing Policy prior to formal consultation. The Statement will outline the principles Stroud District Council will apply when exercising its functions under the Licensing Act 2003 from January 2021 when the current Statement expires.			
<b>Decision(s)</b>	<b>The Committee RESOLVES to approve the Draft Statement of Licensing Policy (Appendix A) and authorise officers to undertake the statutory consultation.</b>			
<b>Consultation and Feedback</b>	Consultation has not yet been undertaken			
<b>Report Author</b>	Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: <a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a>			
<b>Options</b>	In accordance with the Licensing Act 2003 the Council must review, consult and readopt its Statement of Licensing Policy every 5 years.			
<b>Background Papers</b>	Not applicable			
<b>Appendices</b>	Appendix A – Draft Statement of Licensing Policy			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	No	No	No

**1. INTRODUCTION/BACKGROUND**

- 1.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine and publish a Statement of its Licensing Policy at least once every five years. Failure to do so would mean the authority could not continue its licensing functions under the Act.
- 1.2 The purpose of the Licensing Policy is to give guidance to applicants, licence holders, local residents and local businesses on how the Licensing Authority will make its decisions under the Licensing Act 2003. In particular, it lays out the Licensing Authority's policy for decisions by a hearing panel when there has been representation or objection against an application or a request has been made to review an existing licence
- 1.3 Before determining its licensing policy, the licensing authority must consult the persons listed in section 5(3) of the Act. These include the Police and representatives of local licence holders, businesses and residents.

## 2 STROUD DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY

- 2.1 Stroud District Council's current Statement of Licensing Policy was published in January 2016 and will expire on 7 January 2021.
- 2.2 The Home Office issues guidance on the Licensing Act 2003. This includes guidance on the development and preparation of Statements of Licensing Policy and recommends general principles and content. Stroud District Council's current Statement takes account of the Home Office guidance.
- 2.3 Stroud District Council's current Statement of Licensing Policy has been reviewed and updated by the Principal Licensing Officer. There have not been any significant changes to the legislation or the Home Office guidance during the past 5 years so only minor changes have been made to reflect current best practice. A draft Statement of Licensing Policy is Appendix A. The updates are shown in the draft Statement highlighted in pink with explanations in comment boxes.
- 2.4 It is the intention that, once the draft Statement of Licensing Policy has been approved by Community Services and Licensing Committee, it will be put out for formal consultation between June and August 2020. Consultation will include the Police and responsible authorities, Town and Parish Councils, Ward Councillors, current licence holders and representatives of the licensed trade.
- 2.5 Any comments received from the consultation will be considered by a working party made up of the Principal Licensing Officer, a Council Solicitor and the Chair of Community Services and Licensing Committee. The working party will agree a final draft Statement of Licensing Policy.
- 2.6 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be adopted by Full Council. Therefore, it is the intention that the final draft agreed by the working party will be put before Community Services and Licensing Committee at their meeting in September 2020 with a view that the Committee will recommend adoption at a Full council meeting towards the end of the year. This timescale will mean the new policy can, in accordance with the requirements of the legislation, be re-adopted and published before Stroud District Council's current Policy expires.
- 2.7 Proposed Timetable

25 June 2020	Committee approve Draft Statement of Licensing Policy
26 June 2020 to Mid Aug 2020	Formal consultation period
End of Aug 2020	Consideration of consultation comments by working party
Sept 2020	Committee approve Final Draft Statement of Licensing Policy
Oct 2020	Adoption by full council
Dec 2020	Statement of Licensing Policy is published
7 Jan 2021	Statement of Licensing Policy comes into force

### **3 CONCLUSION**

- 3.1 The Licensing Act 2003 requires to Council to review and readopt its Statement of Licensing Policy every 5 years. Stroud District Council's current policy expires in January 2021. Committee should resolve to approve a draft Statement of Licensing Policy that will then be put out for formal consultation in accordance with the requirements of the Act.

### **4. IMPLICATIONS**

#### **4.1 Financial Implications**

There are no financial implications associated with this report as it is a proposing a draft Statement of Licensing Policy (Appendix A) prior to formal consultation.

Adele Rudkin, Accountant

Tel: 01453 754109 Email: [adele.rudkin@stroud.gov.uk](mailto:adele.rudkin@stroud.gov.uk)

#### **4.2 Legal Implications**

All legal implications are set out in the body of the report.

Patrick Arran, Interim Head of Legal Services & Monitoring Officer

Tel: 01453 754369 Email: [patrick.arran@stroud.gov.uk](mailto:patrick.arran@stroud.gov.uk)

#### **4.3 Equality Implications**

There are not any specific changes to service delivery proposed within this decision.

#### **4.4 Environmental Implications**

There are no significant implications within this category.