



Report to:	Council 30 November 2023
Lead Cabinet Member:	Henry Batchelor
Lead Officer:	Head of Climate, Environment and Waste

Licensing Act 2003 - Review of Statement of Licensing Policy

Executive Summary

1. That Council agree to the adoption of the revised Statement of Licensing Policy under the Licensing Act 2003.

Key Decision

2. No

Recommendations

3. It is recommended that Council agree to adopt the revised Statement of Licensing Policy under the Licensing Act 2003 for a period of up to five years from 31 January 2024.
4. The draft Policy is attached as Appendix A.

Reasons for Recommendations

5. Section 5 of the Licensing Act 2003 required the Licensing Authority to determine and publish a statement of its licensing policy at least once every five years. The current policy is effective until 31 January 2024, so must now be republished.

Details

6. On 19 October 2023, the Licensing Committee agreed to recommend to Council the revised Statement of Licensing Policy for adoption, subject to a few minor revisions.
7. Following the Licensing Committee meeting, legal advice suggested there was a need to revise the Hearings Procedure for clarity. The revisions have been incorporated within the draft Annex C appended to the draft policy.

8. The Licensing Committee may approve or amend the Policy, but full Council is required to adopt the Policy.
9. The Policy will remain in force for a period of up to five years but may be reviewed at any point prior if necessary.

Options

10. Full Council is required to adopt the Policy, as without a current Policy, it would not be possible for the Licensing Authority to exercise powers under the Licensing Act 2003.

Implications

Financial

11. None for the purposes of this report.

Legal

12. Failure to adopt and publish a new Policy Statement before 31 January 2024, would mean the Authority would fail to meet its statutory duties under the Act, and may be at risk of judicial review.

Staffing

13. None for the purposes of this report.

Risks/Opportunities

14. The Principal Accountant has advised that the proposed changes in the policy would not lead to any additional risk implications.

Background Papers

Report to the Licensing Committee on 19 October 2023
Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003

Appendices

Appendix A – Draft Statement of Licensing Policy.

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