

COMMUNITY SERVICES AND LICENSING COMMITTEE

1 OCTOBER 2020

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Report Title	REVIEW OF STROUD DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003. APPROVAL OF FINAL DRAFT FOLLOWING CONSULTATION			
Purpose of Report	Consideration by Committee of comments made by consultees during the formal consultation period. Committee to agree a final draft Statement of Licensing Policy to be adopted by Full Council on 22 nd October 2020. The Statement will outline the principles Stroud District Council will apply when exercising its functions under the Licensing Act 2003 for the period January 2021 to January 2026.			
Decision(s)	The Committee RESOLVES to Approve the Final Draft Statement of Licensing Policy (Appendix B) and recommend adoption by Council.			
Consultation and Feedback	Consultation took place between 29th June 2020 and 17th August 2020. Comments made during consultation are shown in a schedule which is Appendix A.			
Report Author	Rachel Andrew, Principal Licensing Officer Email: rachel.andrew@stroud.gov.uk			
Options	In accordance with the Licensing Act 2003 the Council must review, consult and readopt its Statement of Licensing Policy every 5 years.			
Background Papers	Not applicable			
Appendices	Appendix A – Schedule of Consultation Comments and Working Party Responses Appendix B – Final Draft Statement of Licensing Policy			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. INTRODUCTION/BACKGROUND

- 1.1 The Licensing Act 2003 provides a licensing regime for sale of alcohol, regulated entertainment and late night refreshment
- 1.2 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.

- 1.3 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.
- 1.4 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 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 were made to reflect current best practice. A draft Statement of Licensing Policy was approved by Community Services and Licensing Committee on 25th June 2020.
- 2.3 The draft statement was put out for formal consultation between 29th June 2020 and 17th August 2020. Consultation included the Police and responsible authorities, Town and Parish Councils, Ward Councillors, current licence holders and representatives of the licensed trade.
- 2.4 All comments received during the consultation are shown in a Schedule of Consultation comments which is Appendix A. The comments were considered by a working party made up of Rachel Andrew, Principal Licensing Officer, Roslyn Meenagh, Council Solicitor and Councillors Mattie Ross and John Jones. The working party considered all the consultation comments and agreed responses to the comments and proposed some amendments to the draft Statement of Licensing Policy. The working party responses and proposals are included in the Schedule of Consultation Comments document, Appendix A.
- 2.5 A final draft Statement of Licensing Policy, reflecting the working party's recommended amendments, is Appendix B. The working party amendments are highlighted in pink with a comment box explaining the reasons for the amendment.
- 2.6 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be adopted by Full Council. Therefore, Committee should agree a final Statement of Licensing Policy and recommend to Council that it is adopted at their meeting on 22nd October 2020.
- 2.7 The final statement will be published in December 2020 and come into force on 7th January 2021.

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. After considering the consultation comments and the working party's

recommendations, Committee should resolve to approve a final Statement of Licensing Policy and recommend adoption by Council in accordance with the requirements of the Act.

4. IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications as the report is for consideration only.

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4.2 Legal Implications

Adoption of the Statement of Licensing Policy is a Council function which cannot be delegated to a Committee or Sub-Committee.

Section 5 of the Licensing Act 2003 ("the Act") provides that a licensing authority must produce and publish a statement of its licensing policy at least every five years and that this policy must be published before the authority carries out any function in respect of individual applications or notices made under the terms of the Act. As such, the Council cannot fulfil its licensing functions at any time when a licensing policy is not in force. The policy should comply in terms of format and content with the requirements of the Act and the statutory guidance thereto.

The Council should take into account and give appropriate weight to all consultation responses before finalising the Statement of Licensing Policy. The policy must seek to secure the promotion of the licensing objectives throughout the licensing process.

During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

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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.