

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR CORE SERVICES

TITLE: Statement of Licensing Policy Review Consultation 2022/23

REPORT TO:	CABINET
Date of Meeting	12 July 2023
Cabinet Member Portfolio	Core Services
Key Decision	Yes
Public or Private	Public

Purpose of report

As a licensing authority we must determine and publish a Statement of Licensing Policy at least once every five years, in line with statutory guidelines. The Council's current Licensing Policy came into effect in 2017, therefore was due for review in 2022.

In readiness for the review Officers produced our new Statement of Licensing Policy and carried out a statutory consultation from the 23rd December 2022 until the 3rd March 2023 to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the SLRB.

Council Plan priority

Healthy Barnsley

Recommendations

That Cabinet recommends to the Full Council that: -

The Statement of Licensing Policy appended to the report (Appendix 1) be published in accordance with the statutory requirements and adopted by the Council.

1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council to have a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Act 2003 has four licensing objectives that a licensing authority must incorporate into any strategy. These are:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
 - Public Safety
- 1.3 The attached draft Statement of Licensing Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to the public consultation conducted prior to the final policy being determined.

2. PROPOSAL

- 2.1 We have a statutory duty to review and publish our Statement of Licensing Policy at least once every five years with the focus being to promote the licensing objectives.
- 2.2 The policy sets out the requirements and standards that licence holders are expected to meet when applying for a licence to operate premises within the borough.
- 2.3 Changes have been made to our existing policy to detail our Local Area Profile and ensure applicants and licence holders appreciate the expectations of the council when applying standards in relation to premises that require permissions under the Licensing Act 2003.
- 2.4 The proposed key changes to current policies and procedures are: -
- to set out the Local Area Profile and stress the weight of consideration it should be given when making an application under the Licensing Act 2003
 - Link the Local Area Profile to local risk assessments by applicants and licensees
 - Identify better the enforcement and compliance role of the LA
 - Provide a pool of licence conditions to assist applicants to promote the licensing objectives

- Recognise the impact of alcohol harm and through the implementation of this licensing policy the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol harm

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Consultations have taken place with representatives of the Director of Finance (S151 Officer). There are no direct financial implications arising from this report as it is recommending the approval the Statement of Licensing Policy.

3.2 Legal

The policy has been drafted to reflect current legislative requirements and statutory guidance. Adoption of the policy will meet the Council's obligations under the statutory guidance which must be taken into consideration when making decisions in respect of matters relating to the Licensing Act 2003.

Failure to properly consider the policy could result in the Council not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions pertaining to Licensing are fair, consistent and comply with the legislation.

3.3 Equality

Full Equality Impact Assessment completed.

Key points addressed around outcome of consultation and consideration of local area profiles in decision criteria.

3.4 Sustainability

Decision-making wheel not completed as it was deemed unnecessary for this statutory policy review.

3.5 Employee

There are no specific employee implications in approving this policy.

3.6 Communications

The draft policy has been subject to a 10-week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

4. CONSULTATION

In determining this policy statement, the Council has consulted with the following: -

- The Police
- Responsible Authorities
- Elected members
- The Local Safeguarding Board
- Persons involved in Licensing within the borough or their representatives
- Representatives of local businesses and residents' organisations
- Person likely to be affected by Licensing within the borough (or their representatives/support groups/charitable organisations)
- Local Chamber of Commerce / BID
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on the 23rd December 2022 until the 3rd March 2023

The results of the consultations can be found at Appendix 2.

Two responses were received in total. The views of all consultees were duly considered and given proper weight including being:

- Considered by SMT on the 13th of June 2023
- The Statutory Licensing Regulatory Board on the 21st June 2023 for consideration and referral to Cabinet and Council for approval.

As the responses received were all administrative, where appropriate the wording of the proposed new Policy has been amended to reflect the suggestions from the consultation.

There is no reason from the consultation process and responses received not to recommend the adoption of the new Policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The purpose of the Licensing Policy is to:

- Promote the licensing objectives
- Prevent premises from being a source of crime and disorder
- Prevent licensed premises being the cause of public nuisance
- Promote public safety
- Protect children from being harmed
- Ensure local area issues are taken into account by licensees through risk assessments.
- Support the wider Barnsley 2030 strategy.

5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory requirements, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. REASONS FOR RECOMMENDATIONS

6.1 Failure to have cohesive policy standards could result in legal challenges to the council's decisions

7. GLOSSARY

None

8. LIST OF APPENDICES

Appendix 1: The proposed new policy "Statement of Licensing Policy"

Appendix 2: Report on the Consultation Responses

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Colette Tyrell 9th June 2023
Legal consultation & sign off	Legal Services officer consulted and date Sajeda Khalifa 09 June 2023

Report Author: Debbie Bailey
Post: Senior Licensing Officer
Date: 7.6.23