

LICENSING ACT 2003

REVIEW OF STATEMENT OF LICENSING POLICY

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st June 2019.
- 1.2 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. A new Statement of Principles must therefore be published by 1st June 2024.
- 1.3 The Licensing Committee has previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

2. RECOMMENDATIONS

2.1 Members are asked to RECOMMEND;

to Council that the revised Statement of Licensing Policy shown at Appendix 3 be approved and published to take effect on 1st June 2024.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision-making process for licensing applications.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
- the chief officer of police for the authority's area;
 - the fire and rescue authority for that area;
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

Service / Operational Implications

- 3.5 Redditch Borough Council's existing Statement of Licensing Policy was published with effect from 1st June 2019.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1st June 2024.
- 3.7 On 5th October 2023, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The draft revised policy contained a number of amendments and some additional sections that have been added to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1st June 2019.
- 3.10 The main changes that had been made are summarised in the table shown at **Appendix 1**.
- 3.11 Consultation on the revised draft Statement of Principles was undertaken with all relevant parties including:
- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Services
 - Worcestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Redditch Borough Councillors
 - Feckenham Parish Council
 - The general public
- 3.12 The consultation was undertaken via an online survey that was made available via the Council's website and publicised via social media. A link to the survey was also sent by email to relevant stakeholders. The consultation survey was open for completion between 11th October and 15th December 2023.
- 3.13 There have been two responses to the consultation survey from a consultee responding on behalf of the Chief Officer of West Mercia Police and the Head of Compliance at the Wine and Spirit Trade Association. The responses received by these respondents can be seen at **Appendix 2**.
- 3.14 The respondent on behalf of the Chief Officer of Police is supportive of all of the proposed amendments to the Statement of Policy document and does not believe any further revisions are required.
- 3.15 The Wine and Spirit Trade Association representative has provided a link to some best practise guidance that they have been involved in producing in respect of rapid delivery services delivering age restricted products. Whilst this is not something that officers believe should be directly referenced within the Statement of Licensing Policy, this guidance is useful and could be shared and promoted with holders of licences and those applying for licences who offer this type of service.

- 3.16 Having considered the responses received during the consultation exercise, officers do not feel that any amendments need to be made to the version of the draft revised Statement of Licensing Policy that was consulted upon.
- 3.17 Therefore, Members are now asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 3** be approved and published to take effect on 1st June 2024.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1st June 2024 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

5. APPENDICES

- Appendix 1 - Summary of proposed amendments
- Appendix 2 - Responses to consultation survey
- Appendix 3 - Draft Revised Statement of Licensing Policy

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