

LICENSING COMMITTEE

Licensing Act 2003 Revised Statement of Licensing Policy (2023-2028)

16 November 2023

Report of Licensing Manager

PURPOSE OF REPORT

For members to consider consultation responses and make recommendations to Cabinet and then Full Council for approval of the revised Statement of Licensing Policy (2023-2028).

This report is public.

RECOMMENDATIONS

- (1) That members consider consultation responses and any proposed changes, and;
- (2) Make recommendations to Cabinet for approval of the draft Statement of Licensing Policy (2023-2028) for adoption by Full Council.

1.0 Introduction

- 1.1 The Licensing Authority is required, every 5 years, to review, consult and publish a Licensing Policy setting out its policy for the exercise of its functions under the Licensing Act 2003.
- 1.2 The Licensing Act 2003 came into effect on 24 November 2005. It covers the following licensable activities:
 - Sale or supply of alcohol
 - Provision of regulated entertainment
 - Provision of late-night refreshment
- 1.3 The policy sets out a general approach to how licensing decisions are made; how representations are considered, and conditions imposed, while also acting as a guide for applicants. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives.

Members will be aware the 4 licensing objectives are as follows:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

1.4 The policy review has been carried out in line with the Home Office revised guidance issued under section 182 of the Licensing Act 2003 (August 2023)

2.0 Consultation Details

2.1 At a previous meeting of Licensing Committee, members approved the revised draft policy attached at **Appendix 1** for consultation.

2.2 The draft statement of licensing policy was published on the Council's website for consultation for a period of 6 weeks. (From Monday 18th September 2023 – Monday 30th October 2023)

2.3 In accordance with s5(3) of the Licensing Act, we consulted with:

- The Chief Officer of Police for Lancashire
- Lancashire Fire and Rescue Authority
- Director of Public Health for Lancashire
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders
- Persons/bodies representative of business and residents in the licensing authority area

2.4 Additionally, the consultation was also publicised on the Council social media channels and the following individuals/groups with a particular interest in development of the policy were alerted to the consultation.

- Responsible Authorities as defined in the Licensing Act 2003
- Representatives of Licence Holders e.g. Licensing Solicitors
- Business Improvement Districts (Morecambe and Lancaster)
- Pubwatch Representatives (Morecambe and Lancaster)
- All Councillors of Lancaster City Councillor
- Students Union Chief Executive

2.5 Licensing Officers also attended local meetings, including Pubwatch to highlight the key changes the policy, explaining the reasoning for those changes and answering any questions or concerns licence-holders had.

3.0 Responses to the Consultation

3.1 A total of 2 responses were received, the respondents were premise licence-holders or their representatives.

3.2 Details of the responses received are provided in **Appendix 2**.

3.3 The key issue(s) raised were:

- Re-entry to licensed premises after 1.00am
- Concerns regarding the wording of the comments regarding sexual harassment of women and girls.

- Request for guidance on how premises deal with sexual harassment.

3.4 One representation asked for clarity for those premises licensed into the early hours and the impact the no re-entry or no entry post 01.00am expectation would have on their business as the majority of those entering do so post 01.00am.

It is merely an expectation, not a blanket requirement on all premises; if premises wish to be licensed into the early hours of the morning, measures detailed in the operating schedule in managing the risk would be expected as part of their application.

3.5 The concerns relating to the wording of sexual harassment towards women and girls has been noted, along with the request for training and guidance for licensed premises. Links will be included in the final draft to websites and organisations who can assist with training and advice for victims and premises.

3.6 The Licensing Manager will make final amendments in terms of design and layout changes prior to Cabinet and Full Council.

4.0 Options

Options available to members are.

- a) Approve the draft Statement of Licensing Policy
- b) Make further changes to the draft Statement of Licensing Policy, before;
- c) Making recommendations to Cabinet for approval of the Policy before adoption by Full Council.

5.0 Conclusion

5.1 Lancaster City Council must review, update and publish its Statement of Licensing Policy every 5 years. A thorough review has been undertaken and a draft subject to public consultation. The consultation period lasted 6-weeks, 2 responses were received and have been considered.

5.2 The policy sets out a general approach to how licensing decisions are made; how representations are considered, and conditions imposed, while also acting as a guide for applicants.

5.3 Members are asked to make recommendations to Cabinet before adoption of the revised statement of licensing policy by Full Council.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

Each application made under the terms of the revised policy will be determined on its own merits, with the 4 licensing objectives of paramount consideration.

LEGAL IMPLICATIONS

Section 5 of the Licensing Act 2003 requires that a Licensing Authority publish a Statement of Licensing Policy for a five-year period, although current policy expired in January 2021 it has been used as a basis for decision-making since that time.

The revised policy sets out the general approach of how the Licensing Authority will determine applications made under the Licensing Act 2003 for the next 5 years, the policy will be kept under review and changes made as required during that period.

FINANCIAL IMPLICATIONS

None identified.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

One identified.

SECTION 151 OFFICER'S COMMENTS

None

MONITORING OFFICER'S COMMENTS

None

BACKGROUND PAPERS

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