

**CABINET**

**Licensing Act 2003  
Revised Statement of Licensing Policy (2023-2028)  
20 February 2024**

**Report of Licensing Manager**

PURPOSE OF REPORT				
For Cabinet members to consider the revised Statement of Licensing Policy for 2023-2028 and refer to Full Council for adoption.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision				
This report is public				

**RECOMMENDATIONS OF COUNCILLOR WOOD**

- (1) That Cabinet members consider the revised Statement of Licensing Policy. , and,
- (2) Refer the policy, with or without amendments, to Full Council for adoption.

**1.0 Introduction**

- 1.1 The Licensing Authority is required, every 5 years, to review, consult and publish a Statement of 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 These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

## **2.0 Proposal Details**

2.1 The revised Statement of Licensing Policy (2023-2028) is attached at **Appendix 1**.

2.2 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), the Licensing Act 2003 and other relevant legislation.

2.3 The revised policy is specific to the Lancaster district, including local priorities and highlighting areas of concern, this places a requirement on applicants for licences and current licence-holders to consider how their business or premises will mitigate the impact of their operation on not only the licensing objectives, but specific local areas of concerns.

Additionally, the revised policy includes model licence conditions, this will assist applicants with the operating schedule of their application and Licensing Committee members when considering those application(s) or when reviewing premises licences.

## **3.0 Details of Consultation**

3.1 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)

3.2 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.

3.3 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

3.4 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.

3.5 Consultation responses have been considered by members of Licensing Committee, no amendments were noted by Licensing Committee.

#### **4.0 Options**

4.1 Options available to members are.

- a) Recommend to Full Council the revised Statement of Licensing Policy as drafted, or
- b) Make further changes to the revised Statement of Licensing Policy, before making recommendations to Full Council for adoption

#### **5.0 Officers preferred option**

5.1 The Officers preferred option would be for Cabinet members to recommend the revised Statement of Licensing Policy for 2023-2028 as drafted to Full Council for adoption.

#### **6.0 Conclusion**

6.1 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 by the Councils Licensing Committee.

6.2 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, elected members, responsible authorities and council officers.

6.3 The Councils Constitution sets out the decisions making process for policy matters, in the instance of the Statement of Licensing Policy (2023-2028). Licensing Committee make recommendations to Cabinet to consider before adoption of the policy by Full Council.

**RELATIONSHIP TO POLICY FRAMEWORK**

The Statement of Licensing Policy forms part of the Council's Policy Framework

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, 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****Human Resources:**

None Identified

**Information Services:**

None Identified

**Property:**

None Identified

**Open Spaces:**

None Identified

**SECTION 151 OFFICER'S COMMENTS**

None.

**MONITORING OFFICER'S COMMENTS**

By law, the Council must have a Policy Framework. This is a list of plans and strategies which are relevant to the Council's functions and are required by law to be decided by the Full Council, usually on the recommendation of the Cabinet. The Statement of Licensing Policy forms part of the Council's Policy Framework. The Licensing Committee's terms of reference include the following:- "To develop Licensing and Gambling Policies for consideration by the

Cabinet and Full Council;”

**BACKGROUND PAPERS**

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