

LICENSING COMMITTEE



Report subject	Consideration of revised Statement of Licensing Policy 2025-2030
Meeting date	19 September 2024
Status	Public Report
Executive summary	<p>The current Statement of Licensing Policy 2020-2025 is due for review.</p> <p>Workshops have taken place with members, officers and Dorset Police and a proposed draft policy has been produced for review and agreement by the Licensing Committee.</p> <p>Once approved the draft policy will be subject to 12 weeks public consultation.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft policy put forward for approval and either</p> <p>I. Agree the draft policy as presented or</p> <p>II. Amend the draft policy presented and agree a final version of the draft policy ready for consultation.</p> <p>Additionally Members are asked to consider any specific questions they may consider necessary to support the public consultation of this policy.</p>
Reason for recommendations	<p>Section 5 of the Licensing Act 2003 sets out the requirement for a Licensing Authority to determine and publish its policy every five years setting out how they exercise their licensing functions</p> <p>When considering any amendments to the Statement of Licensing Policy (the Policy) consideration should also be given to the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm).</p> <p>The current Policy was adopted in agreed in 2020 following the creation of BCP Council and replaced the three preceding legacy authority policies.</p> <p>This is the first BCP Council review of the Statement Of Licensing</p>

	<p>Policy.</p> <p>Before determining a revised Statement of Licensing Policy the licensing authority must consult with persons listed in Section 5(3) of the 2003 Act.</p> <p>Guidance issued under Section 182 of the 2003 Act states that “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 ...”.</p>
--	---

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jilliam Kay – Director for Wellbeing
Report Authors	Nananka Randle- Licensing and Trading Standards Manager Sarah Rogers – Principal Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. Section 5 of the Licensing Act 2003 sets out the requirement for a Licensing Authority to determine and publish its policy every five years setting out how they exercise their licensing functions
2. When considering any amendments to the Statement of Licensing Policy (the Policy) consideration should also be given to the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm).
3. The current BCP Statement of Licensing Policy was the first policy for the newly formed BCP Council and commenced on 24 November 2020.
4. Before determining its policy, the Licensing Authority must consult with the following:-
 - The Chief Officer of Police
 - The Chief Fire Officer
 - The Local Health Authority
 - Such persons as the Licensing Authority considers to be representative of the holders of premises licences and club premises certificates
 - Such persons as the Licensing Authority considers to be representative of personal licence holders issued by that Authority
 - Other persons the Licensing Authority considers to be representative of businesses and residents in its area

Draft Policy development

5. At the Licensing Committee meeting on 7th December 2023 the forward plan was agreed and membership of workshops to review the existing policy and suggest amendments was agreed.
6. The first workshop took place on 6 February 2024 in attendance were Cllrs Moore, Dowler, Harman and Moore, together with legal, Dorset Police and licensing officers the existing policy was discussed and suggested amendments

put forward. There were substantial improvements suggested to consolidate content and expand in some subject areas.

7. Officers then made suggested amendments to a draft version of the policy; these were then discussed at a further workshop which was held on 10 June 2024. Prior to the workshop members received a copy of the proposed draft policy together with a table of amendments made (it was felt this was easier than having all tracked changes visible which made it almost impossible to review the document.)
8. The draft version of the document was discussed, and further amendments were proposed, and the document was amended to reflect this. All members of the workshop were given the opportunity to provide feedback.
9. Following the workshop the draft document was then circulated to all Responsible Authorities to capture any additional input which may assist the Committee in agreeing on a final draft version ready for members consideration.
10. The proposed draft Statement of Licensing Policy is attached at Appendix 1 this includes all proposed changes following member and responsible authority feedback.
11. All proposed changes are detailed in the Table of Amendments at appendix 2.
12. The existing Statement of Licensing Policy is attached at Appendix 3 and is also available on our website [SOLP-2020-2025 \(bcpccouncil.gov.uk\)](https://www.bcpccouncil.gov.uk/SOLP-2020-2025)

Options Appraisal

13. Members are asked to consider the proposed draft policy and either
 - a. Agree the draft policy as presented, or
 - b. Amend the draft policy and agree a final version of the draft policy.
14. Once the final version of the draft policy has been agreed it will be subject to full public consultation for 12 weeks it is proposed to present consultation feedback and any proposed amendments to the draft document to Licensing Committee on 14 May 2025.
15. Members may wish to consider the content of any consultation and propose questions they feel should be asked as part of this consultation.

Summary of financial implications

16. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the Licensing Act 2003 fees and/or annual fees received.
17. Paragraph 13.8 of the Section 182 Guidance states “When undertaking consultation exercises, licensing authorities should have regard to cost and time. Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. When licensing authorities exceed these requirements, they will have to absorb these costs themselves

Summary of legal implications

18. The Licensing Act 2003 requires all authorities to publish a policy and review this policy every 5 years. If the authority does not publish such a policy the authority cannot rely on the policy as part of its decision-making process and could be subject to Judicial review

Summary of human resources implications

19. There are no implications on human resources the current licensing team will continue to implement the policy within current resource levels.

Summary of sustainability impact

20. There are no sustainability impacts.

Summary of public health implications

21. Public health is considered within the policy. In addition as a responsible authority under the Licensing Act all applications are sent to colleagues in public health so that if there are concerns these can be addressed.

Summary of equality implications

22. A full Equality Impact Assessment will be carried out during the course of the consultation period and consideration of all responses and will be presented to the Equalities Panel prior to the final draft being presented to the Licensing Committee for approval.

Summary of risk assessment

23. There is a risk of judicial review should any new policy be challenged. The Committee must ensure that any decisions are made with reference to the public sector equality duty.

Background papers

Licensing Act 2003 [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/contents/enacted)

Revised guidance issued under s182 of the Licensing Act 2003 last updated in January 2024 [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003)

Appendices

Appendix 1 – draft Statement of Licensing Policy 2025 - 2030

Appendix 2- Table of amendments for the draft policy

Appendix 3 –Statement of Licensing Policy 2020 - 2025