

## Statement of Licensing Policy

Date: 18<sup>th</sup> January 2023

Report of: Chief Officer Elections and Regulatory

Report to: Council

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy every five years.

This report presents the Statement of Licensing Policy, attached at Appendix A, which has been reviewed with partners and taken to a public consultation. The council received no responses in relation to the Licensing Policy.

The Licensing Policy has been presented to Licensing Committee who have approved it and refer it to Council for adoption.

### Recommendations

- a) For Council to adopt the Statement of Licensing Policy 2023-2027 as the Council's statement of principles under Section 5 of the Licensing Act 2003.

## What is this report about?

- 1 Under the Licensing Act 2003 the licensing authority must review the Statement of Licensing Policy (“Policy”) every five years.
- 2 Under the same Act the licensing authority can produce an assessment of cumulative impact of licensed premises in its area and this must be reviewed every three years. The Cumulative Impact Assessment (“CIA”) was last produced in 2018 but, due to the extraordinary circumstances around the pandemic, the review was delayed until 2022. This review was undertaken and the CIA 2023-25 was approved by Licensing Committee in November 2022, with immediate effect.
- 9 There are several proposed changes to the CIA, once of which is to include a new area (Holbeck). This requires an amendment to the Licensing Policy. At the same time a review of the entire Policy was undertaken, and includes the following updates:
  - Update of various fact and figures, i.e. population statistics
  - Update of local strategies and names of external bodies
  - Removal of reference to obsolete guidance
  - Amendment to section on cumulative impact
  - Addition of information regarding equality and counter terrorism
- 3 The new Licensing Policy will be effective from 2023 until 2027.
- 4 This report presents the Statement of Licensing Policy (“Policy”), attached at **Appendix A**, which has been reviewed with partners, taken to a public consultation and approved by Licensing Committee.
- 5 The adoption of a new Licensing Policy is a matter reserved for Council and cannot be deferred to Licensing Committee.

## What impact will this proposal have?

- 10 Statute dictates that the Policy must be reviewed every five years, or earlier if necessary. It was last reviewed in 2018, coming into effect 2019 ending 2023. Approval of the new Policy will mean it will be in place from 2023-2027 or until it is reviewed again.

## How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

## What consultation and engagement has taken place?

Wards affected: All

Have ward members been consulted?

Yes

No

- 11 In line with the licensing authority’s usual practice the Policy has undergone a public consultation with those affected by the proposed changes. In addition the council has consulted with ward members and residents who expressed an interest in this matter.

12 The Policy and the CIA were published for consultation between 3<sup>rd</sup> October and 17<sup>th</sup> November 2022. The Policy did not elicit any comments, however the CIA received 7 comments which are included in the CIA.

### **What are the resource implications?**

13 The licensing of alcohol and entertainment venues attracts a fee which can only be used to pay for the costs associated with the licence application. As such the policy review is a cost to the council, which is not recovered by the licence fee.

### **What are the key risks and how are they being managed?**

14 The report recommends that the Policy be adopted. There is a risk of a policy not being in place in time for the expiry of the previous policy. However as this Policy has been reviewed before the end of the statutory 5 year period, this risk is low.

### **What are the legal implications?**

15 The Council has a Policy adopted by Council which came into effect in January 2019. Therefore a new Policy must be in place by January 2024. As such should Council decide not to adopt the revised policy, the original Policy will remain in place until either a new policy is drafted, or the existing policy expires in January 2024. However, the licensing authority will not be able to consider cumulative impact in Holbeck until it is included with a Licensing Policy.

## **Options, timescales and measuring success**

### **What other options were considered?**

16 The option to delay the review, consultation and approval of the CIA until the Policy was due to be reviewed and come into effect 2024 was considered, but as the current CIA should have been reviewed in 2021 it was considered that this would not be appropriate, and consequently the timeframe for the five yearly Policy has been brought forward.

### **How will success be measured?**

17 Success will be measured by the Policy being adopted.

### **What is the timetable and who will be responsible for implementation?**

18 The next appropriate Council meeting is in January. Entertainment Licensing will ensure the Policy and CIA are published in accordance with the statutory requirements.

## **Appendices**

19 Appendix A – Statement of Licensing Policy

## **Background papers**

20 None