



## LICENSING COMMITTEE

Monday, 16 October 2023

<b>Subject</b>	Scheduled review of the Council's Statement of Licensing Policy
<b>Cabinet Member</b>	Councillor Jan Candy Cabinet Member with responsibility for Community Health
<b>Supporting Officer</b>	Martin Clarke Licensing Manager and Housing Lead Lawyer <a href="mailto:martin.clarke@eastsoffolk.gov.uk">martin.clarke@eastsoffolk.gov.uk</a>
<b>Head of Service</b>	Chris Bing Head of Legal and Democratic Service <a href="mailto:chris.bing@eastsoffolk.gov.uk">chris.bing@eastsoffolk.gov.uk</a>
<b>Director</b>	Kate Blakemore Strategic Director <a href="mailto:kate.blakemore@eastsoffolk.gov.uk">kate.blakemore@eastsoffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### **Purpose of Report:**

To report to the Licensing Committee the outcome of the recent consultation on the draft revised edition of the Statement of Licensing Policy to seek approval of a final draft to report to full Council in November 2023.

### **Options:**

1. To approve the draft sixth edition of the Statement of Licensing Policy including the suggestion by Public Health.
2. To approve the draft sixth edition of the Statement of Licensing Policy to not include the suggestion by Public Health.

### **Recommendation/s:**

That the sixth edition of the Statement of Licensing Policy, including the wording proposed by Public Health during the consultation, be recommended to Full Council for approval at its meeting on 22 November 2023.

## Corporate Impact Assessment

### **Governance:**

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

### **ESC policies and strategies that directly apply to the proposal:**

Statement of Licensing Policy

### **Environmental:**

No impact

### **Equalities and Diversity:**

No impact

### **Financial:**

No impact

### **Human Resources:**

No impact

### **ICT:**

No impact

### **Legal:**

No impact

**Risk:**

No impact

**External Consultees:**

Responsible Authorities (in terms of Licensing Act 2003)  
 Town and Parish Councils  
 Premises Licence holders  
 Club Premises Certificate holders  
 Members of the public via the Council's website

## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

### How does this proposal support the priorities selected?

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our communities. The Statement of Licensing Policy gives clear guidance on licensing matters to applicants, licensees and the public; promoting economic growth for local businesses whilst enabling the community to make constructive representations should the need arise.

## Background and Justification for Recommendation

1 Background facts	
1.1	The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it every five years, or sooner if required. This Statement must establish the principles to be applied when determining applications under the Act, such as applications for the sale/supply of alcohol, regulated entertainment and the provision of late night refreshment.
1.2	The Act specifies that in drafting and implementing the Policy, it must promote the four licensing objectives. These are: <ul style="list-style-type: none"><li>• The prevention of crime and disorder.</li><li>• Public safety.</li><li>• The prevention of public nuisance.</li><li>• The protection of children from harm.</li></ul>
1.3	Home Office Guidance issued under section 182 of the Licensing Act 2003 (the "Guidance") provides local authorities with direction on the discharge of their functions under the Act. Licensing Authorities must have regard to the Act and the Guidance when preparing its Policy.
1.4	The Council first published its Statement of Licensing Policy in January 2005. This sets out the decision-making principles when licensing premises for alcohol, regulated entertainment and late night refreshment.  Until 2011 the prescribed period for reviewing the policy was every 3 years. In 2011 this period changed to every 5 years. The next policy due to be published in January 2024, will be the Council's 6 <sup>th</sup> edition.
1.5	On 17 July 2023, the Licensing Committee resolved to carry out a consultation regarding the proposed draft 6 <sup>th</sup> edition of the Statement of Licensing Policy – <b>Appendix A</b> .
1.6	The consultation ran between 25 July and 28 August 2023. Responsible Authorities, Town and Parish Council's, Personal, Premises, and Club

	<p>Certificate licence holders and members of the public via the Council’s website, were consulted. 3 consultation responses were received.</p> <p>One response proposed some additional wording to be included in the Policy.</p> <p>One response pointed out an error with the information included in a particular sentence.</p> <p>One response suggested that ‘it would be helpful to view a document that showed how it has been amended from its predecessor’.</p>
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## 2 Current position

2.1	East Suffolk carried out its last consultation and review in 2018. The current Statement of Licensing Policy was published in January 2019 and covers the period January 2019 to January 2024.
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## 3 How to address current situation

3.1	Copies of the three consultation responses are at <b>Appendix B</b> .
3.2	Include the wording proposed by Public Health.
3.3	<p>The error pointed out by the Environmental Health must be addressed. The correct wording is:</p> <p>18.4 Where the Suffolk Constabulary or Environmental Health have issued an objection notice, to a standard TEN, the Licensing Authority will normally consider this at a hearing (unless the objection notice is withdrawn before the hearing date). Hearings will be held in accordance with the procedure outlined in section 9 above.</p> <p>The system of permitted temporary activities gives the police and Environmental Health Authorities the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.</p>
3.4	There were no major changes to the policy, apart from the addition of section 24 regarding the ancillary delivery of alcohol and/or late night refreshment, which was highlighted. However, the comments from Lowestoft Town Council have been noted by the Licensing Team.

## 4 Reason/s for recommendation

4.1	The Licensing Act 2003 required all Local Authorities to adopt a Statement of Licensing Policy and to update this policy following a consultation procedure.
4.2	The current Statement of Licensing Policy is due for a review and the new document must be published in January 2024.

## Appendices

Appendices:	
<b>Appendix A</b>	Draft Statement of Licensing Policy
<b>Appendix B</b>	Three consultation responses

Background reference papers:	
None.	