



Licensing

30 June 2022

Report of: Pranali Parikh – Director for
Growth and Regeneration

Review of the Statement of Licensing Policy 2022-2027

Corporate Priority:	Delivering excellent services positively impacting on our communities
Relevant Ward Member(s):	All Wards
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 To seek approval from members to go out for 12 weeks consultation on the Licensing Policy the in accordance with the Licensing Act 2003.

2 Recommendation(s)

That Committee:

1. To approve the draft **Statement of Licensing Policy 2022**, made under the **Licensing Act 2003**, for consultation and endorse the removal of the **Cumulative Impact Policy** as it is no longer required with additional information added to ensure the **Policy** remains up to date with legislation changes.

3 Reason for Recommendations

- 3.1 Under the Licensing Act 2003 the Council is responsible for preparing a Statement Licensing Policy every 5 years. The last review took place in 2017. The policy needs updating to reflect changes in Melton town's dynamics, which no longer justify the need for a Cumulative Impact Policy.
- 3.2 The policy also makes minor changes throughout to ensure changes in legislation are met and to make it read easier. The changes in legislation are reflected in 5.2-5.9 below.

4 Background

- 4.1 The current Statement of Licensing Policy was approved by Full Council in December 2017. The Policing and Crime Act 2017, (which came into effect from the 6th April 2018)

introduced the need for Cumulative Impact Assessments which meant that after publishing a Cumulative Impact Zone (CIZ), the licensing authority, must within 3 years consider whether it remains of the same opinion as set out in the assessment.

5 Main Considerations

5.1 The Cumulative Impact Policy was initially adopted in 2011 in Melton Borough Council's Statement of Licensing Policy and has been renewed in every Licensing Policy since then. However over time, the town centre and in particular the night time economy have changed considerably. More people shop online now as a result of the Covid pandemic and in order to generate the economy it is recognised that we need to have more do in the town, like eat and drink, rather than just shop. As a result it is felt that a cumulative impact policy is no longer required within Melton Town Centre and may in fact be more detrimental to trade. It is therefore proposed that this is removed in an attempt to support the economy in the town centre.

5.2 Initial discussions with the local Police and the licensing team which covers all of Leicestershire Police as well as the Melton BID team (Business Improvement District) indicates all parties concur with regard to the removal of the Cumulative Impact Policy being a pragmatic approach.

5.3 The following items are minor changes to the policy, also being sought.

5.4 Entitlement to work (section 2.3)

5.4.1 Applicants for a licence must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

5.4.2 Previously this was carried out by applicants manually providing copies of identification documents. As an alternative to providing a copy of original documents, the Home Office has now introduced an online right to work checking service.

5.4.3 Applicants can now produce their Right to work documents in two ways;

- a) by providing their 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service
- b) by manually providing a document or document combination that is stipulated as being suitable for this check.

5.5 Promotion of the Licensing Objectives (Section 2.4)

5.5.1 A sentence added to highlight that the 4 licensing objectives are of equal importance and the paramount concern of the Licensing Authority. Information for the applicant, that the operating schedule they include is converted into conditions on the licence. A recommendation, that the applicant discusses their application with the Responsible Authorities. Confirmation that where no representations are received that the Licensing Authority must grant the licence application.

5.6 Local, National and International Occasions (Section 4.3)

5.6.1 A new section added in respect of Local, National and International Occasions to explain that applicants may wish to consider bank holiday opening hours when completing their operating schedule. That temporary event notices can be used to cover other occasions and that the Secretary of State can generally extend hours on special occasions such as a Royal Wedding or Royal Jubilee.

5.7 **Drinking up Time (Section 4.2)**

5.7.1 A new section added to advise applicants and public that the 'drinking up time' was not carried over as part of the Licensing Act 2003. It highlights that the licensable activities time and that of the premises opening hours do not have to be the same but that applicants are encouraged to consider a drinking up time to assist with the gradual dispersal of customers.

5.8 **Alcohol Deliveries (Section 7)**

5.8.1 Under the section entitled 'Prevention of Crime and Disorder' an additional section has been added headed 'Alcohol Deliveries' which became prevalent during Covid. It highlights the need for applicants wishing to deliver alcohol to consider how to maintain age verification during that process.

5.9 **Change during lifetime of Licence (Section 14.1)**

5.9.1 This additional section is to act as a remainder to all applicants and personal licensees that the Licensing Act 2003 requires them to advise the Licensing Authority of any changes to their name or address and to notify the Licensing Authority of any relevant convictions during the lifetime of their licence.

5.10 **Representations (Section 16)**

5.10.1 This is a new section on representations to advise the public and applicants how representations (objections) can be received against an application. It goes on to advise that any representation from an interested party other than a Responsible Authority will be considered as to whether it is relevant and must be based on one of the four licensing objectives.

5.11 **Annual Fees (Section 17.1)**

5.11.1 A new section under Section 17, Enforcement, which advises applicants that failure to pay the annual maintenance fee, will result in the premises licence being suspended and all licensable activities ceasing.

5.12 **Reviews (Section 17.2)**

5.12.1 A new section to advise both applicants and the public that all premises, once a licence has been issued, can be subject to a review for matters arising at the premises in connection with the four licensing objectives. The Section also advises the options available to the Licensing Authority on receipt of review.

5.13 **Events in Melton (Section 18.1)**

A new section to give advice to event organisers that the Licensing Authority requires notification of events to be held within Melton, with an aim to ensuring the events are run safely and effectively. It also allows the Licensing Authority to inform partner agencies, including emergency services about up and coming events.

5.14 Before adopting the new policy, a 12-week consultation period must take place to seek opinions of responsible authorities, representatives of the trade, businesses and residents.

6 Consultation

6.1 A 12 week consultation is to take place in accordance with the Licensing Act 2003.

6.2 A copy of the draft Statement of Licensing Policy will be available on the Council's Website at Parkside reception.

- 6.3 The guidance issued by the Government under Section 182 of the Licensing Act 2003 states that the draft Statement of Licensing Policy should be circulated to the Chief Officer of Police, the Fire and Rescue Authority and Director of Public Health for the area, representatives of local premises licence holders, club premises certificate holders, and personal licence holders plus businesses and residents in its area.
- 6.4 The Licensing Section will circulate the draft Policy to:
- a) the Responsible Authorities (including Melton Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary)
 - b) Business and residents e.g. relevant residents groups
 - c) Local Councillor's
 - d) British Beer and Pub Association
 - e) Pub Watch
 - f) persons/bodies representative of local premises licence holders;
 - g) persons/bodies representative of local club premises certificate holders;
 - h) persons/bodies representative of local personal licence holders; and
 - i) persons/bodies representative of businesses and residents in its area.
- 6.5 Any comments from the consultation will be considered by the Licensing Section and the Director for Growth & Regeneration.

The revised draft Statement of Licensing Policy will then be presented to Committee (date to be arranged) to consider the consultation responses and any changes to the Policy prior to its submission to Full Council.

7 Next Steps – Implementation and Communication

- 7.1 If agreed by the Licensing committee today, the revised Licensing Policy will be published and sent out for consultation.

8 Financial Implications

- 8.1 There are no financial implications with this report.

Financial Implications reviewed by: **Director for Corporate Services**

9 Legal and Governance Implications

- 9.1 The Licensing Act 2003 imposes a statutory obligation to re-consult on their policy statements every 5 years. Failure to do so would breach this requirement.
- 9.2 The approval of the Statement of Licensing Policy must be referred to Council by way of a recommendation by the Licensing Committee in accordance with the Chapter 2, Part 8 of the Council's Constitution (Licensing Committee Function and Procedure Rules).

Legal Implications reviewed by: **Deputy Monitoring Officer 22.06.22**

10 Equality and Safeguarding Implications

- 10.1 An Equality Impact Assessment (EIA) has been drafted. The consultation process may influence the final document. Once approved this will be published on the Melton Borough Council website.

11 Community Safety Implications

11.1 None

12 Environmental and Climate Change Implications

12.1 There are no implications for Climate Change.

13 Other Implications (where significant)

13.1 There are no other implications

14 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Legal challenges if fail to publish review	Significant	Marginal	M

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant		1		
	3 Low				
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Consult, review and publish the revised Licensing Policy

15 Background Papers

15.1 Current Licensing Policy 2017

15.2 Draft Licensing Policy 2021

15.3 Government Guidance issued under Section 182 of the Licensing Act 2003

15.4 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

16 Appendices

16.1 Draft – Statement of Licensing Policy 2022 – 2027

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