

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 Following a 12 week consultation on the draft Statement of Licensing Policy, approval is needed to take this policy to full council to be adopted.

2 Recommendation(s)

That Committee:

- 1. Recommends to Council approval of the revised Statement of Licensing Policy 2022 (Appendix A).**

3 Reason for Recommendations

- 3.1 The Statement of Licensing Policy details how a licensing authority intends to operate and promote the licensing objectives within their area. It provides clarity for everyone including local residents, businesses and licence applicants, who will be able to refer to the statement when making representation or when preparing applications.
- 3.2 This aligns with the Melton Borough Councils Corporate Strategy 2020-2024, priority 3 - Delivering sustainable growth in Melton with a specific focus on regeneration of the town centre.
- 3.3 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.

3.4 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 5.4-5.13 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.

4.2 On 30th June 2022 the Licensing Committee approved a 12 week public consultation on the draft Statement of Licensing Policy 2022-2027.

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 regenerate the economy it is recognised that we need to have more to 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 the Cumulative Impact Policy 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) indicated 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, which are 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) A sentence added to highlight that the 4 licensing objectives are of equal importance and the paramount concern of the Licensing Authority.

- b) Information for the applicant, that the operating schedule they include is converted into conditions on the licence.

- c) A recommendation, that the applicant discusses their application with the Responsible Authorities.
- d) 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) 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.
- b) 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.

6 Consultation

6.1 Before adopting the new policy, a 12-week consultation period was required in accordance with the Licensing Act 2003. This took place between the 4th July – 26th September 2022 to seek opinions of responsible authorities, representatives of the trade, businesses and residents.

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

6.3 In accordance with guidance issued by the Government under Section 182 of the Licensing Act 2003, the draft Statement of Licensing Policy was 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 the borough.

6.4 The Licensing Section circulated 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 groups including Melton BID and Melton Mowbray Town Estate (MMTE)
- 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 Throughout the consultation, no responses were received therefore no amendments have been made to the draft Statement of Licensing Policy as presented to the Licensing Committee on 30th June 2022.

7 Next Steps – Implementation and Communication

7.1 If agreed by the Licensing Committee today, the revised Statement of Licensing Policy as presented will be taken to Full Council for adoption on 15th December 2022.

8 Financial Implications

8.1 There are direct no financial implications with this report but with the addition of the enforcement reference in section 17.1 of the policy as highlighted in para 5.11 above this further helps to ensure licence fees are paid and bad debts don't accrue.

Financial Implications reviewed by: **Corporate Services Manager**

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: **Sarah Dibble – Senior Lawyer – 11 October, 2022**

10 Equality and Safeguarding Implications

- 10.1 An Equality Impact Assessment (EIA) has been drafted. 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 we fail to follow procedure of Licensing Committee approving this to be sent to Full Council for adoption	Significant	Marginal	Medium Risk

		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				
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Risk No	Mitigation
1	Gain approval of Licensing Committee.

15 Background Papers

- 15.1 Current Licensing Policy 2017
- 15.2 Revised Licensing Policy 2022
- 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 Appendix A - Revised Statement of Licensing Policy 2022 – 2027

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