

**Bolsover District Council**

**Council**

**7<sup>th</sup> November 2018**

**Licensing Act – Statement of Licensing Policy 2019-2024  
Policy Review**

**Report of the Chair of Licensing Committee**

This report is public

**Purpose of the Report**

- To consider approval of the Council's revised **Licensing Act – Statement of Licensing Policy 2019-2024**.

**1 Report Details**

- 1.1 Under The Licensing Act 2003, the Council is responsible for the administration of licences and certificates for:
- The sale/supply of alcohol
  - The provision of regulated entertainment and
  - The provision of late night refreshment
- 1.2 The Act contains four licensing objectives, which underpin the functions of the legislation and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and are:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety and
  - The protection of children from harm

All decisions under the Act must be taken with a view to promoting these licensing objectives.

- 1.3 The Licensing Act 2003 imposes a statutory requirement upon Bolsover District Council, as the statutory Licensing Authority to prepare a Statement of Policy.
- 1.4 This must be reviewed every 5 years, although the Council may review its policy at any time within that 5 year period should it see fit.
- 1.5 In accordance with the Licensing Act 2003, the Statement of Licensing Policy must be determined by full Council after consultation with prescribed bodies.
- 1.6 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version was issued by the Home Office in April 2018.
- 1.7 The current statement of policy was adopted with effect from January 2012 following a full consultation exercise. At the time of adoption it incorporated all relevant and amended legislation guidance and reflected good practice.
- 1.8 In July 2018 the Licensing Committee approved a draft Statement of Licensing Policy for consultation with the public and stakeholders. That statutory consultation took place for a period of 11 weeks between 30<sup>th</sup> July 2018 and 15<sup>th</sup> October 2018.
- 1.9 That consultation is now complete and there have been no responses received however officers have made one minor amendment at page 28 of the Draft, which clarifies that Trading Standards are a Responsible Authority.
- 1.10 Members of the Licensing Committee have recommended the attached final version of the policy documents to Council for adoption.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The Licensing Act Policy has been reviewed in accordance with the Licensing Act 2003 which requires Licensing Authorities to prepare a Statement of Policy on a five year cyclical basis. The proposed revised Licensing Policy reflects recent changes in legislation and Statutory Guidance. It is a statutory requirement to prepare a Licensing Act Policy for the next five years and to publish that policy.
- 2.2 The proposed revised policy is fit for purpose, more simplified in its layout and follows the best practice of bordering Licensing Authorities.

## **3 Consultation and Equality Impact**

- 3.1 The Draft policy has been subject to an 11 week public consultation, with no responses received.
- 3.2 An Equality Impact Assessment has also been undertaken in conjunction with the Council's improvement team.

#### 4 **Alternative Options and Reasons for Rejection**

4.1 Leaving our current policy in place is not an option. There is a legal requirement that the Statement of Policy is updated.

#### 5 **Implications**

##### 5.1 **Finance and Risk Implications**

5.1.1 None anticipated.

##### 5.2 **Legal Implications including Data Protection**

5.2.1 Having a policy which is up to date and compliant with the legislation, and fit for purpose and clearer to Premise Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review, with associated costs in defending the same.

##### 5.3 **Human Resources Implications**

5.3.1 None.

#### 6 **Recommendations**

6.1 That Council approve and adopt the Licensing Act Statement of Licensing Policy 2019-2024.

#### 7 **Decision Information**

|  |                |
|--|----------------|
| <b>Is the decision a Key Decision?</b><br>A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:<br><i>BDC: Revenue - £75,000</i> <input type="checkbox"/><br><i>Capital - £150,000</i> <input type="checkbox"/><br><i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/><br><i>Capital - £250,000</i> <input type="checkbox"/><br><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i> | No             |
| <b>Is the decision subject to Call-In?</b><br>(Only Key Decisions are subject to Call-In)  | No             |
| <b>District Wards Affected</b>   | All indirectly |
| <b>Links to Corporate Plan priorities or Policy Framework</b>  | All            |

**8 Document Information**

| Appendix No   | Title                                   |
|---|---|
| 1.  | Draft BDC Statement of Policy 2019-2024 |
| <p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p> |   |
| <ul style="list-style-type: none"> <li>• Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018</li> </ul>  |   |
| Report Author   | Contact Number                          |
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Report Reference –