

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT AND OVERVIEW SCRUTINY COMMITTEE – 23 SEPTEMBER 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

LICENSING POLICY REVIEW

1 Executive Summary

- 1.1 This report informs Members that a review of our licensing policy was due under the Licensing Act 2003 which required us to revise and consult upon our policy. The agreed consultation has taken place and the responses are at Appendix 2. This report asks members to consider and agree any proposed changes following the consultation and recommend the policy for onward approval by Full Council.

2 Recommendation(s)

- 2.1 For Members to note the results of the consultation and agree any changes proposed to the revised policy at Appendix 1 for onward approval by Full Council.

3 Explanation

- 3.1 The council in its capacity as licensing authority for the purposes of the Licensing Act 2003 is obliged by law to have a statement of licensing policy. Originally such a statement had to be reviewed every 3 years, but along with a number of other changes to the Licensing Act 2003 and the statutory guidance this frequency has been increased to 5 years.
- 3.2 During the five year period the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance when changes have been made by Government or in the light of feedback from the local community on whether the statutory licensing objectives are being met.
- 3.3 The statement of licensing policy under the Licensing Act 2003 should also be developed according to the licensing act guidance issued by the Department for Culture, Media, and Sport which was last updated in April 2018.
- 3.4 The consultation has taken place and the two responses received are at Appendix 2 and a summary of suggested policy changes are at Appendix 3. The first was from the British Beer and Pub Association requesting a few clarifications and additions. The second from the Fire Protection service related to changes in their contact details and one typographical error which has been corrected. Those changes agreed by members will be made to the revised policy for adoption by Full Council.
- 3.5 In considering current revision frequencies, the existing policy must be revised, consulted upon, and agreed by Full Council by the 20th January 2020.

- 3.6 The new Guidance under the Licensing Act 2003 came into effect in April 2018. The Licensing policy has been amended to reflect the relevant areas which had been addressed or clarified in the new Guidance.
- 3.7 The policy has been updated and new sections introduced where appropriate to reflect the current guidance and to promote ease of use. Accordingly this new revised policy represents an update to previous policies and reflects the current situation and practice in Welwyn Hatfield.

Implications

4 Legal Implication(s)

- 4.1 The council has a duty to promote the licensing objectives, namely prevention of crime and disorder, maintenance of public safety, prevention of public nuisance, and prevention of children from harm.
- 4.2 The council is at risk of legal challenge if it does not have a licensing policy in place, has failed to review its licensing policy or if its policy does not take account of the Secretary of State's guidance issued under the Licensing Act.

5 Financial Implication(s)

- 5.1 None directly arising from this report. Consultation on policy development is a normal part of day to day work and allowed for in existing budgets.

6 Risk Management Implications

- 6.1 The risks related to this proposal are:
- 6.2 Welwyn Hatfield Borough Council is required to have a statement of licensing policy made under the Licensing Act 2003 which is reviewed every 5 years or in light of revisions to the section 182 guidance. The council is at risk of challenge if it does not have such a policy in place or if it is not kept up to date.

7 Security and Terrorism Implication(s)

- 7.1 The council has an overarching duty to have due regard to the need to prevent people being drawn into terrorism, in the context of this report, there are no additional concerns.

8 Procurement Implication(s)

- 8.1 None arising directly from this report.

9 Climate Change Implication(s)

- 9.1 The proposal does not imply an increase in greenhouse gas emissions or water use. A limited number of paper policies will be produced as it will be made available in electronic format. The proposal appears to be resilient to climate change and does not require adaptations to be made.

10 Human Resources Implications

10.1 None directly arising from this report

11 Health and Wellbeing Implications

11.1 Whilst the licensing regime is concerned with the promotion of the licensing objectives, these objectives collectively seek to protect the quality of life for those who live, and work in the vicinity of licensed premises and those who socialise in licensed premises.

12 Communication and Engagement Implications

12.1 The consultation responses have been brought back for members to agree any changes to the policy

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priority (promoting inclusiveness and safe communities and is a statutory requirement, under the Licensing Act 2003.

14 Equality and Diversity

14.1 An EqIA was completed on the 2nd May 2019 and no negative impact was identified on any of the protected groups under Equalities legislation.

Name of author *Kate Payne 01707 357206*
Title *Licensing Team Leader*
Date *12 August 2019*

Background papers to be listed

Revised guidance issued under section 182 of the Licensing Act 2003

Appendices to be listed

Appendix 1 Draft licensing policy 2020-2025

Appendix 2 Consultation responses

Appendix 3 Summary of suggested alterations to the policy.