

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENT AND OVERVIEW SCRUTINY COMMITTEE – 10 JUNE 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 is now required under the Licensing Act 2003 which requires us to revise and consult upon our policy every five years. This report requests members consider and agree that the draft revised policy (shown in Appendix 1) is released for consultation. The results of the consultation will be brought back to the committee for discussion and agreement for onward approval by Full Council.

**2 Recommendation(s)**

- 2.1 For Members to note the contents of the report and agree that the revised licensing policy at Appendix 1, reflecting changes affecting the Act and the statutory section 182 guidance be sent out for consultation.
- 2.2 For Members to agree that the results of the consultation be brought back to the Environment Overview and Scrutiny Committee for discussion and agreement for recommendation to 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 will be directed to the responsible authorities, representatives of licence holders, businesses and residents as detailed in Appendix A to the policy.
- 3.5 In considering current revision frequencies, the existing policy must be revised, consulted upon, and agreed by Full Council by the 20<sup>th</sup> 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.
- 3.8 The consultation responses will be used to revise the draft policy which will then be brought back to Members for agreement, prior to going to Full Council for adoption.

### **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 If committee agree with the recommendations listed in paragraph 2.1 of this report then a consultation process will take place with stakeholders listed in Appendix A of the draft 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 2<sup>nd</sup> May 2019 and no negative impact was identified on any of the protected groups under Equalities legislation.

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Date	<i>22 March 2019</i>

### 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