

**Report to:** Licensing Committee

**Date:** 29 July 2021

**Title:** Review of the Lewes District Council Statement of Licensing Policy

**Report of:** Director of Service Delivery

**Ward(s):** All

**Purpose of report:** To review the Lewes District Council Statement of Licensing Policy and agree a six-week public consultation.

**Officer recommendation(s):**

(1) The Committee review the Lewes District Council Licensing Act Policy.

(2) The Committee authorise the Senior Specialist Advisor (Regulatory Services) to start a six-week consultation with the public, trade and interested bodies.

(3) That following the consultation period the Customer First Resolution Team Operational Manager (Regulatory and Place) in conjunction with the Chair of the Licensing Committee, be delegated to consider the consultation responses and make any minor changes to the Statement of Licensing Policy and then recommend the same to Full Council for approval. That in the event of substantial changes being suggested by the consultation to the Statement of Licensing Policy a report be brought back to a Licensing Committee.

**Reasons for recommendations:** Statutory requirement to review the Statement of Licensing Policy every five years.

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## 1 Introduction

1.1 The Licensing Act 2003 (“the Act”) requires Licensing Authorities to prepare and publish for a five-year period, a Policy for their area which apply when exercising its functions under the Act.

- 1.2 The Statement of Licensing Policy should be regarded as a local framework for decision making when considering licensing applications and the licensing committee and its sub-committees are required to have due regard to this when forming a decision.
- 1.3 The current Policy was approved by Full Council after review and public consultation and came into effect on 7<sup>th</sup> December 2017.
- 1.4 The Policy is being reviewed earlier than the five-year period to take account of some minor changes. It will also allow Officers providing shared services the opportunity to ensure a consistency of approach in their dealings with Lewes and Eastbourne Councils.
- 1.5 The proposed Statement of Licensing Policy attached as Appendix 1 will be the subject of a 6-week consultation which will include members of the trade, responsible authorities, current licence holders and elected members.
- 1.6 Details of who will be consulted can be found in Section 2 of this report.

## **2 Proposed Changes to the Statement of Licensing Policy**

- 2.1 There are three minor changes to the Policy:
- 2.2 A. Paragraph 5.1.5 – Indicating that the Council is not prepared to allow opening of outside drinking areas beyond 2300 hours for new and variations to existing premises other than in cases of exceptional circumstances. This does not prevent applications being made, but it highlights to applicants, the Council's position.
- 2.3 B. Paragraphs 6.2.1 to 6.2.3 – Establishing that although consideration will be given to shops, stores and supermarkets selling alcohol during opening hours, the Council do not anticipate granting this outside of the hours of 0600-2300.
- 2.4 C. Paragraph 6.7.1 – Applications for new and major variations to existing licences require adverts at the site and in a local newspaper. This paragraph defines the newspaper that is acceptable and makes it clear that it will not accept adverts in other publications.
- 2.5 The draft of the amended Policy is included at Appendix 1 and will be published for a six-week consultation period starting on the XXXXXXXX. The Council propose to consult with the Responsible Authorities (as defined in Section 13 of the Act) , the licensing trade ,public interest groups and through Public Consultation via [www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk).

### **3. Options for the Committee**

3.1 The Committee could offer the following options for consultation:

- a. Keep the current Statement of Licensing Policy.
- b. Accept the changes in Section 2 as a whole.
- c. Accept parts of the proposed changes.

### **4 Financial Impact**

4.1 There are no additional financial implications to this report.

### **5 Legal implications**

5.1 Section 5 of the Act requires a Licensing Authority, in respect of each five-year period, to determine its Statement of Licensing Policy with respect to the exercise of its licensing functions and publish a statement of the Policy. Such a Policy should be published before the authority carries out any function in respect of any individual applications and notices made under the Act.

5.2 Section 5(3) of the Act states who the Licensing Authority must consult with when producing or revising the Policy. The views of all those persons or bodies should be given appropriate weight.

5.3 Section 5(4) of the Act states that the Licensing Authority must keep its Policy under review, during the five-year period, and it can make revisions at any time it considers appropriate.

5.4 Members are asked to note the statutory Home Office Guidance and in particular paragraphs 14.51 and 14.52. That states that the Licensing Authority has the power to make decisions regarding licensed opening hours as part of its Policy because it is best placed to make such decisions based on its local knowledge and in consultation with other responsible authorities. However, the Licensing Authority must always consider each application on its merits and must not impose predetermined licensed opening hours without giving individual consideration to the merits of each application. The Licensing Authority cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives.

5.5 This Report was considered by the Legal Section on 9 July 2021 (Iken 10296-LDC-MW).

### **6 Risk management implications**

6.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Licensing Policy contravenes Section 5 Licensing Act 2003 and renders it impossible for the Licensing Sector within the District to be properly administered and enforced.

## **7 Equality analysis**

7.1 There are no Equality implications associated with this Report.

## **8 Environmental sustainability implications**

8.1 There are no sustainability and/or carbon reduction implications associated with this Report.

## **9 Appendices**

9.1 Appendix 1 - Proposed amended Statement of Licensing Policy

## **10 Background papers**

10.1 Home Office Guidance Issued under Section 182 Licensing Act 2003