

Report to:	Full Council
Date:	22 November 2021
Title:	Review of the Lewes District Council Statement of Licensing Policy
Report of:	Tim Whelan – Director Service Delivery
Ward(s):	All
Purpose of report:	To provide an update to Full Council following consultation and feedback on the revised Statement of Licensing Policy for the period 2022 -2027 and ask Full Council to approve the Policy.
Officer recommendation(s):	That Council approves the Statement of Licensing Policy made under Section 5(4) of the Licensing Act 2003 for 2022-2027.
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 applies 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 7th December 2017.
- 1.4 The Policy has been reviewed earlier than the five-year period to take account of some minor changes. This is to allow for 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 has been the subject of a 6-week consultation which included members of the trade, responsible authorities, current licence holders and elected members.
- 1.6 The Council consulted with the Responsible Authorities as defined in Section 13 of the Act, the licensing trade, public interest groups and through Public Consultation via the Council's website.
- 1.7 It was agreed at the Licensing Committee on 29 July 2021 that the Customer First Resolution Operational Manager (Regulatory and Place) in conjunction with the Chair of Licensing Committee would be delegated to consider the consultation responses and make any minor changes that were necessary and then recommend the Statement of Licensing Policy to Full Council. If substantial changes were suggested by the consultation it would revert to the Licensing Committee for further consideration.

2 Proposed Changes to the Statement of Licensing Policy

- 2.1 There are three minor changes to the Policy:
- 2.2 Page 9, paragraph 5.1.5 – Indicating that the Council is not prepared to allow opening of outside drinking areas beyond 23:00 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 Pages 11&12, 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 06:00-23:00.
- 2.4 Page 16, 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.

3 Consultation Result

- 3.1 The consultation responses were supportive of the new minor changes and the comments were not significant or relevant to the proposed change.
- 3.2 A summary of the consultation responses can be found in Appendix 2.
- 3.3 As there were no substantial changes suggested by the consultation, and no additional minor changes considered necessary except those set out in paragraph 2, it has been agreed with the Chair of Licensing Committee to recommend the Statement of Licensing Policy directly to Full Council for approval as set out in Appendix 1.

4 Financial appraisal

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 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 for the prescribed period.

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 11 November 2021 (5721-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

Appendix 1 – Proposed amended Statement of Licensing Policy 2022-2027
Appendix 2 – Summary of Consultation Responses

10 Background papers

Home Office Guidance Issued under Section 182 Licensing Act 2003 -

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>