



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee 7 October 2020
Council 15 December 2020

Wards affected: All wards

Statement of Licensing Policy

Report of Director Environment & Planning

1. Purpose of report

- 1.1 The Licensing Act 2003 requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will apply to the Act.
- 1.2 This report provides members with information on the Statement of Licensing Policy required under the Licensing Act 2003 which requires approval.

2. Recommendation

- 2.1 It is recommended that the Licensing Policy be adopted by the Council.

3. Background to the report

- 3.1 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications
- 3.2 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at every five years. The current statement of Licensing Policy was published by the Licensing Authority on 14th December 2015.
- 3.3 The existing policy has been reviewed in regard to its application, suitability and effectiveness since the implementation of the Act in 2003. The current

policy has worked well and provided a basis for the consideration and determination of applications.

- 3.4 The policy should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive and mitigate any detrimental impacts through their operating schedules and self-imposed licence conditions.
- 3.5 The policy will ensure licensees better understand the restrictions on their licences. It will aid residents affected by licensed premises activities to identify and report breaches and to allow for effective enforcement by the Licensing Authority to ensure promotion of the licensing objectives.
- 3.6 A section has been included to reflect the implications of the Immigration Act 2016 on the exercise of the Council's functions under the Licensing Act 2003.
- 3.7 The section on personal licences has been updated to show how we deal with situations where the Authority may consider suspending or revoking a personal licence. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.8 The Licensing Authority has had regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the latest version issued by the Home office has been referred to during the drafting of this policy.
- 3.9 The Licensing Authority recognises the issues faced by the hospitality industry due to the Covid-19 pandemic and will apply this policy as flexibly as possible to support businesses during their recovery.
- 3.10 While the licensing policy should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. This includes:

The Gambling Act 2005

The Environmental Protection Act 1990, The Noise Act 1996

The Clean Neighbourhoods and Environmental Act 2005

The Regulatory Reform (Fire Safety) Order 2005

The Health and Safety at Work etc. Act 1974

The Equality Act 2010

The Immigration Act 2016

Regulators' Code under the Legislative and Regulatory Reform Act 2006

The Coronavirus Act 2020

The Business & Planning Act 2020

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 The report is to be taken in open session as the policy is a public document.

5. Financial implications [AG]

5.1 None.

6. Legal implications [MR]

6.1 None arising directly from this report.

7. Corporate Plan implications

7.1 Will help improve public safety, protect children from harm and prevent public nuisance and crime and disorder within the Borough and thereby contribute towards the Council aims of People, Places and Prosperity.

8. Consultation

8.1 The following bodies have been consulted on this policy:-

- the Chief Officer of Police for the licensing authority's area,
- the Fire Authority for this area,
- the local authority's Director of Public Health (DPH)
- bodies representing local holders of premises licences,
- bodies representing local holders of club premises certificates,
- bodies representing local holders of personal licences,
- bodies representing businesses and residents in the area that the Licensing Authority considers appropriate

8.2 The consultation is available for comment via the Council's website.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Reputation, Legal, Regulatory	Procedures have been put in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published	MB

10. Knowing your community – equality and rural implications

10.1 The Licensing Act 2003 will have equal impact on all areas of the Borough.

10.2 An Equality Impact Assessment has been undertaken and is available.

11. Climate implications

11.1 There are no impacts on the climate as a result of this policy.

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications **[RB]**
A robust policy will support and have a positive impact on supporting the reduction of alcohol related crime, disorder and anti-social behaviour in the Borough.
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: None

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