

Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of the Licensing Committee to be held on 15 December 2020.

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Subject:

Proposed statement of Licensing Policy 2021-2025, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the new Statement of Licensing Policy for the District, as required by the Licensing Act 2003, and proposes a final draft for recommendation for adoption by full Council on 15 December 2020.

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Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 Under the Licensing Act 2003, the Council's Licensing Authority is required to adopt a policy which sets out the basic principles of its approach to dealing with applications for licences and permissions under the Act and the promotion of the licensing objectives outlined in the Act.

The Act regulates the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

- 1.2 This report sets out the outcome of a public consultation exercise with respect to the Licensing Policy for the District and proposes a final draft for recommendation for adoption by Council on 15 December 2020.

2. BACKGROUND

Public Consultation

- 2.1 A public consultation exercise has been undertaken, with the draft licensing policy available for public comment since 23 November 2020. The draft was placed on the Council's website and the consultation exercise was reported in the local press. Licensing Officers directly consulted relevant authorities and organisations.

The consultation policy document is attached at Appendix 1 (circulation has been restricted to members of the Licensing Committee in the interests of sustainability).

- 2.2 The main addition to the draft policy is the inclusion of information regarding Cumulative Impact (section 8.5 and 8.6 of the policy document).
- 2.3 The consultation draft policy also seeks to reflect substantial statutory guidance made under Section 182 of the Act. This sets the parameters of what can, or should not, validly be included within local statements of licensing policy.

Responses Received

- 2.4 Bradford District Businesses & Residents

Seven responses were received from businesses and residents within the Bradford district.

Details of these responses are included at Appendix 2. Also included at Appendix 2 are officer comments on each particular issue raised and what action, if any, is proposed with regard to amending the Policy document or otherwise.

3. FINANCIAL & RESOURCE APPRAISAL

- 3.1 The cost of the consultation exercise has been funded from existing resources of the service.

4. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance issues.

5. LEGAL APPRAISAL

5.1 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The Councils current policy is 2015-20. The policy must be published before it carries out any licensing functions under the 2003 Act. When determining any applications under the Licensing Act, the Licensing Authority must seek to achieve four licensing objectives:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

5.2 The consultation in relation to the 2021-25 draft licensing policy sets out how the Council as licensing authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued under the Act the latest been April 2018 issued under section 182 of the Act.

5.3 The Policy document has been updated to take account of changes in legislation since adoption of the policy and the updated statutory s182 guidance.

5.4 The Act sets out the minimum public consultation that is required, which has been complied with and the consultation process on balance is lawful.

5.5 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH) or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

5.6 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.

5.7 Subject to the statutory requirements, it is for each licensing authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. While it is

clearly good practice to consult widely, this may not always be necessary or appropriate (for example, where a licensing authority has recently carried out a comprehensive consultation in relation to a revision to its policy made within five years of a full revision to it). As such, it may decide on a simple consultation with those persons listed. However, licensing authorities should consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy (for example, where an earlier consultation was limited to a particular part of the policy, such as a proposal to introduce a cumulative impact policy).

6. OTHER IMPLICATIONS

6.1 EQUALITY & DIVERSITY

The draft licensing policy was prepared with awareness of the Council's duties under the Equality Act 2010.

6.2 SUSTAINABILITY IMPLICATIONS

The Council's Licensing Policy will address sustainability issues.

6.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

6.4 COMMUNITY SAFETY IMPLICATIONS

Central to the Licensing Act are the objectives of the promotion of public safety, prevention of crime and disorder and protection of children from harm.

6.5 HUMAN RIGHTS ACT

The Council must consider Human Rights implications when establishing the Licensing Policy and when determining licence applications.

6.6 TRADE UNION

None

6.7 WARD IMPLICATIONS

No specific ward implications.

7. NOT FOR PUBLICATION DOCUMENTS

None

8. OPTIONS

- 8.1 The Committee has no powers to adopt the licensing policy, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such

amendments as the Committee may specify.

9. RECOMMENDATIONS

- 9.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Policy 2021-2025, pursuant to the Licensing Act 2003 (subject to any amendments that the Committee feels is appropriate).
- 9.2 That the Interim Assistant Director Waste, Fleet & Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

10. APPENDICES

1. Proposed final draft licensing policy (restricted circulation).
2. Schedule of responses from local residents.
3. Press advert.

11. BACKGROUND DOCUMENTS

1. The Licensing Act 2003
2. Guidance under Section 182 of the Licensing Act 2003
3. Existing Licensing Policy 2015-2020
4. Bradford Council website consultation – [Licensing Policy Consultation](#)