

Westmorland and Furness Council

Report Title:	Statement of Licensing Policy
Meeting:	Council
Meeting Date:	22 nd February 2024
Report Author:	Graham Barker Head of Public Protection
Lead Cabinet Member(s):	Cllr Neil Hughes – Cabinet Member for Transport
Wards Affected	All
PUBLIC, PART EXEMPT OR FULLY EXEMPT	Public
List of Appendices (if any)	1. Draft Statement of Licensing Policy 2. Equality Impact Assessment

1. Executive Summary

- 1.1. The Licensing Act 2003 requires that the Council publish a ‘Statement of Licensing Policy’ setting out the policies the Council will generally apply to promote the four licensing objectives when carrying out its functions under the Licensing Act 2003.
- 1.2. Legislation requires the Statement of Licensing Policy to be published every five years. A consultation has been undertaken between the 1st October 2023 and 31st December 2023. Section 7(2) Licensing Act 2003 prohibits the Licensing Committee from setting its own policy. At the Licensing Committee, held on 22nd January 2024, Members considered the consultation responses and draft Policy as attached at Appendix 1 and have recommended that Council adopt the Policy from 1st April 2024.

2. Recommendation

For the reasons set out in this report, it is recommended that:

- 2.1 Council adopt the draft Statement of Licensing Policy, as attached at Appendix 1, from 1st April 2024.

3 Information: the Rationale and Evidence

Background

- 3.1 The Licensing Act 2003 requires that the Council publish a ‘Statement of Licensing Policy’ every five years setting out the policies the Council will

generally apply to promote the four Licensing Objectives (set out below) when carrying out its functions under the Act:-

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

3.2 When making deliberations Licensing Committee Members must have regard to this Statement of Licensing Policy together with the statutory guidance (Revised Guidance issued under section 182 of the Licensing Act 2003 (2023)).

3.3 This will be Westmorland and Furness Council's first Statement of Licensing Policy and once adopted will be in force for 5 years, from 1st April 2024. The former Barrow Borough, Eden and South Lakeland District Council legacy policies will remain in place until 31st March 2024.

4 Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 There is close alignment between the Council Plan priorities and the licensing objectives. The policy aims to support sustainable, inclusive, economic growth and a thriving cultural economy, whilst also promoting public safety and protecting children from harm.

5. Consultation Outcomes (with services, ward councillors & public consultation where required)

4.2 A three month consultation on the draft Statement of Licensing Policy has been undertaken between the 1st October 2023 and 31st December 2023. Consultation responses were received and considered by the Licensing Committee. The draft Statement of Licensing Policy was also published on the Council's website during the consultation period.

4.3 A list of consultees is appended to the draft Statement of Licensing Policy.

6. Alternative Options Considered

6.1 Failure to publish a Statement of Policy set out by the Licensing Act 2003 would mean that the Council would be unable to fulfil its duty as a licensing authority.

6.2 No other alternative options are therefore suggested.

7. Financial Implications and risk

7.1 There are no financial implications from the recommendations.

8. Legal & Governance Implications

- 8.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a Statement of its Licensing Policy at least every five years. Such a policy must be published before the Council carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. During the five year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the Licensing Objectives are being met. If the Licensing Authority determines and publishes its policy this way, a new five-year period commences on the date it is published.
- 8.2 When determining and publishing a Statement of its Policy and licensing function, local authorities must have regard to the 'Revised Guidance issued under 182 of the Licensing Act 2003'. Where revisions to the Guidance are made by the Secretary of State, it will be for the Council to determine whether revisions to its own Licensing Statement are appropriate, following any consultation as outlined above.
- 8.3 The Statement of Licensing Policy should ensure fairness, clarity and consistency, equality of treatment and proportionality in the approach to be adopted by the Licensing Authority in determining licensing applications.
- 8.4 Approval and adoption of the final Statement of Licensing Policy is a decision for Full Council in accordance with Part 2 – Section 2: Responsibility for Council Functions, 1.1.30 of the Council's Constitution.

9. Human Resources Implications

- 9.1 There are no Human Resources implications arising out of this Statement of Policy.

10. Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

- 10.1 Each licensing decision, whether it is the determination of an application or enforcement action, is based on its own merits, considering the Licensing Act 2003, Statement of Licensing Policy and the Section 182 Statutory Guidance.
- 10.2 In preparation of this Statement of Policy consideration has been given to the Equality Act 2010. An Equality Impact Assessment has been carried out against the Draft Policy and is attached at Appendix 2.

11. Background Information & Sources (used in preparation of this Report)

Name of Background document	Where it is available
Licensing Act 2003	Licensing Act 2003 (legislation.gov.uk)
Revised Guidance Issued under Section 182 of the Licensing Act 2003	Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)
Licensing Committee 22 January 2024 Agenda	 (Public Pack)Agenda Document for Licensing Committee, 22/01/2024 13:30 (moderngov.co.uk)
Licensing Committee 22 January 2024 Minutes	https://westmorlandandfurness.moderngov.co.uk/documents/g1114/Printed%20minutes%2022nd-Jan-2024%2013.30%20Licensing%20Committee.pdf?T=1