

Report to:	Licensing and Regulatory Committee	Date of Meeting:	9 January 2023
Subject:	Draft revised Statement of Licensing Policy – Licensing Act 2003		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	N	Included in Forward Plan:	N
Exempt / Confidential Report:	N		

Summary:

To seek Members' comments on the draft revised Statement of Licensing Policy and to advise Members of the proposals for consultation on the draft revised document.

Recommendation(s):

Members are asked to:

- i) Give consideration to and comment upon the draft Statement of Licensing Policy within the Annex; and
- ii) Note and endorse the actions being taken to progress the revision of the Statement of Licensing Policy.

Reasons for the Recommendation(s):

To enable the timely review of the Statement of Licensing Policy.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None
Legal Implications: None
Equality Implications: There are no equality implications.

Contribution to the Council’s Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 7021/22).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 5221/22).

(B) External Consultations

None.

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

Annex - Draft Statement of Licensing Policy.

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Section 5 of the Licensing Act 2003 (“the LA03”) formally requires that the Licensing Authority has to prepare and publish a statement of its licensing policy (“the Policy”) every five years. During each five year period, the Licensing Authority must keep the Policy, in respect of that period, under review and make such revisions to it, at such times, as it considers appropriate.
- 1.2 The existing Policy has been kept under review since coming into force on 9 December 2018 and no revision has been deemed necessary to date. It will require reviewing in 2023 in order for a revised Policy to come into effect from 9 December 2023 (when the new five year cycle will commence).
- 1.3 Before determining its Policy, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
 - The chief officer of police for the area;
 - The fire authority for the area;
 - The Director of Public Health;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences; and,
 - Persons/bodies representative of businesses and residents in its area.
- 1.4 The views of the above have to be given appropriate weight when the Policy is being determined. In addition to the above, the Authority must also have regard to Guidance issued under Section 182 of the LA03 by the Home Office.

2.0 The draft revised Statement of Licensing Policy

- 2.1 The following alterations have been made to the existing Policy.
- 2.2 Paragraph 1.8 updated with latest Census figures.
- 2.3 Paragraph 1.11 existing text replaced with: *Seftons profile is reflected by statistics that show over 75% of the jobs in the borough are in the service sector and an adaptable and skilled workforce, that have an acknowledged excellent labour relations record.*

- 2.4 Paragraph 1.13, last sentence deleted.
- 2.5 Paragraphs 1.14 to 1.19 deleted.
- 2.6 Paragraph 2.2 amended to remove “renewals”.
- 2.7 Paragraph 2.11 amended to now read: *Unless requested by the applicant, the Licence / Certificate will not be time limited. However any Premise Licence issued in respect of an application made on or after 6 April 2017 (and including the sale of alcohol and/or late night refreshment) will become invalid if the Premise Licence holder is in an individuals name and ceases to be entitled to work in the United Kingdom.*
- 2.8 Paragraph 4.4, last sentence deleted.
- 2.9 Paragraph 4.6, last sentence deleted.
- 2.10 Paragraph 5.5, last sentence deleted.

3.0 Consultation process

- 3.1 There is a statutory requirement to consult those persons outlined within Paragraph 1.3 prior to producing any revised Policy.
- 3.2 Beyond these statutory requirements, it is for each licensing authority to decide the full extent of its consultations and whether any particular person or body is representative of the group described in the statute.
- 3.3 As with previous consultation exercises undertaken (with both the Gambling Act 2005 Statement of Licensing Policy and the previous revisions of the LA03 Statement of Licensing Policy) general awareness of the consultation process, and access to the draft Policy, will be increased by:
 - i) Publishing the draft revision, a list of the alterations made, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Consultation Finder (www.engagespace.co.uk/sefton);
 - ii) News items placed on the various Sefton Council social media pages;
 - iii) Placing copies of the draft revision, and the list of the alterations made, in local libraries; and,
 - iv) Through press releases to all local press agencies.
- 3.4 In addition to the general consultation/awareness raising referred to above it is proposed to undertake the following specific consultations:
 - i) Letters to Merseyside Police; Merseyside Fire and Rescue; the local Health Body; Sefton Council Environmental Health & Licensing Section; Sefton Council Planning; Sefton Council Safeguarding Children's Unit; and Home Office Immigration Enforcement.
 - ii) Letters to the following Organisations: British Beer & Pub Association; British Institute of Innkeepers; Federation of Licensed Victuallers Association; Association of Licensed Multiple Retailers; Association of

Convenience Stores; The Wine and Spirit Trade Association; Committee of Registered Clubs Association; BIIAB, Highfield Awarding Body for Compliance, Laser Learning Awards, Pearson Education Ltd, QNUK, Quallsafe Awards, SFJ Awards, SQA and Training Qualifications UK.

v) Letters to Sefton Chamber of Commerce and the Southport BID Team.

vi) Letters to all Borough Councillors, Sefton Members of Parliament and Parish Council Clerks.

3.5 It is proposed that the consultation will take place from 03/04/2023 to 05/06/2023.

3.6 The methodology and the appropriateness of the above consultation process has been approved by the Chair of the Public Engagement and Consultation Panel.