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| Report to: | Licensing and Regulatory Committee Council | Date of Meeting: | 6 November 2023 16 November 2023 |
| Subject: | Final draft revised statement of Licensing Policy – Licensing Act 2003 | | |
| Report of: | Assistant Director Place (Highways and Public Protection) | Wards Affected: | (All Wards); |
| Portfolio: | Regulatory, Compliance and Corporate Services | | |
| Is this a Key Decision: | N | Included in Forward Plan: | N |
| Exempt / Confidential Report: | N | | |

Summary:

To seek Members' comments on the final draft revised Statement of Licensing Policy and to then refer to Council for approval.

Recommendation(s):

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Licensing Policy, attached at Annex 2; and,
- ii) Refer the agreed revised Statement of Licensing Policy to Council for approval.

That Council:

- i) Approve the revised Statement of Licensing Policy, attached at Annex 2.

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 revenue implications associated with the proposals in this report; any costs will be met from existing budgets.

(B) Capital Costs

There are no capital implications associated with the proposals in this report.

Implications of the Proposals:

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| Resource Implications (Financial, IT, Staffing and Assets): None. | |
| Legal Implications: None. | |
| Equality Implications: There are no equality implications. | |
| Impact on Children and Young People: None. | |
| Climate Emergency Implications: The recommendations within this report will | |
| Have a positive impact | N |
| Have a neutral impact | Y |
| Have a negative impact | N |
| The Author has undertaken the Climate Emergency training for report authors | Y |
| This is an information only Report and contains no proposals that will alter any impact on climate change. | |

Contribution to the Council's Core Purpose:

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| 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: |

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 7399/23).

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 5599/23).

(B) External Consultations

Consultation exercise took place between 3 April 2023 and 5 June 2023.

Implementation Date for the Decision

9 December 2023

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|-------------------------|---------------------------|
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Appendices:

- Annex 1 – Responses received to consultation exercise.
- Annex 2 – Final draft revised Statement of Licensing Policy
- Annex 3 – List of revisions to the 2023 draft 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 had been deemed necessary to date. It has now been reviewed for a revised Policy to come into effect from 9 December 2023 (when the new five year cycle will commence). A list of the revisions is attached as annex 3.

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 Consultation process

2.1 The consultation exercise took place between 3 April 2023 and 5 June 2023.

2.2 There is a statutory requirement to consult those persons outlined within Paragraph 1.3 prior to producing any revised Policy.

2.3 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.

2.4 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, was 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.

2.5 In addition to the general consultation/awareness raising referred to above the following specific consultations were undertaken:

- 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.

3.0 Draft Policy 2023

- 3.1 No further revisions to the draft policy are suggested as a result of the consultation exercise.
- 3.2 A copy of the final draft of the Policy is to be found within Annex 2.