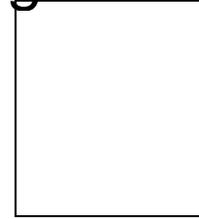




SHEFFIELD CITY COUNCIL Committee Report

Agenda Item 5



Report of: Chief Licensing Officer, Head of Licensing

Date: 26th October 2020

Subject: The Licensing Act 2003
Statement of Licensing Policy Approval Report

Author of Report: Claire Bower – Licensing Strategy and Policy Officer

Summary: To seek approval from the Licensing Committee on the draft revised Statement of Licensing Policy under the Licensing Act 2003

The report also provides:

- details of the public consultation process undertaken;
- details of the comments received during the consultation period; and
- details of the process and timetable followed and next steps

Recommendations: That Members of the Licensing Committee approve the revised Statement of Licensing Policy with any amendments that they consider appropriate and refer the matter to Full Council for approval.

Background Papers: Revised Statement of Licensing Policy

Category of Report: OPEN

**The Licensing Act 2003
Draft Statement of Licensing Policy - Approval**

1.0 SUMMARY

- 1.1 This report is to seek approval from the Licensing Committee on the draft revised Statement of Licensing Policy under the Licensing Act 2003
- 1.2 The report also provides:
- details of the equality impact assessment;
 - details of the public consultation process undertaken;
 - details of the comments received during the consultation period; and
 - details of the process and timetable followed and next steps.
- 1.3 This is the final consultation with the Licensing Committee before the policy goes to Full Council.

2.0 BACKGROUND

- 2.1 Section 5 (1) of the 2003 Act states:

“Each Licensing Authority must in respect of each five year period –
(a) determine its policy with respect to the exercise of its licensing functions , and
(b) publish a statement of that policy before the beginning of the period.

- 2.2 The current Statement of Licensing Policy was published in January 2016. Therefore the amended policy must be published in/or before January 2021. When reviewing its policy the Licensing Authority has gone through a strict consultation process in line with the process carried out for the last policy review, as well as what is stipulated within legislation.
- 2.1 The proposed policy has been amended from the one that was approved five years ago and has been produced in accordance with the 2003 Act and the Guidance issued under Section 182 of the Act.

3.0 WHAT DOES THE POLICY DEAL WITH?

- 3.1 The policy deals with the sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment.
- 3.2 The policy covers all types of applications that can be made under the Act, outlines other licensing functions which are often linked with these applications, and details other associated strategies which support the wider Council ambitions and visions.
- 3.3 The policy will also guide the Licensing Sub-Committee when determining applications and assists the Licensing Authority in administering and enforcing the Licensing Act systems in accordance with the promotion of the four core licensing objectives.

- 3.4 It provides developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process and how applications are dealt with in Sheffield.

4.0 WHAT THE POLICY DELIVERS

- 4.1 The statement of licensing policy document is designed to give clear and concise guidance to all who need to use it. It is easy to read and interpret, and provides the necessary guidance to allow structured and evidence based decision making for officers and Councillors of the Council.
- 4.2 The structure and content of the policy document positively assists the Council to deliver and achieve its aims and visions for the City as a whole. It clearly links into several Council wide strategies and initiatives that ensure the city maintains safety for all, it builds equality throughout, and allows for the licensing sector to contribute fairly and productively to the City's economy whilst supporting those who choose to enjoy, live, work, and study in Sheffield.

5.0 EQUALITIES – PUBLIC SECTOR EQUALITY DUTY

- 5.1 The Equality Impact Assessment (EIA) is the chosen vehicle for Sheffield City Council to systematically understand and assess the effect of our proposals and decisions on different groups of people.
- 5.2 As a council we have a Statutory Public Sector Equality Duty (PSED) to pay due regard to:
- eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity; and
 - foster good relations.
- 5.4 An Equality Impact Assessment has been completed in relation to this policy and has been approved by the Council's Equality Team. A copy is attached at Appendix 'A'.
- 5.5 Members should be aware that EIA's are under constant review.

5.0 CONSULTATION

- 5.1 All responsible authorities under the Act and relevant internal partners were consulted prior to the formal consultation in order to ensure the final draft was as comprehensive and current as possible.
- 6.2 The formal 12 week consultation period began on Monday, 20th April 2020 and concluded at 5:00pm on Monday, 13th July 2020.
- 6.3 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -
- the chief officer of police for the licensing authority's area;
 - the fire authority for that area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority.

- such persons as the Licensing Authority considers to be representative of businesses and residents in its area.

6.4 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other relevant groups; information was published on the Licensing Service webpages with the opportunity to provide comment electronically through Citizen Space as well as in writing through the normal channels.

7.0 THE RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION

7.1 The Licensing Service has received 31 responses to the formal consultation exercise.

7.2 All consultation responses are attached to this report in full at Appendix 'B'.

7.2 An overview of the responses is attached at Appendix 'C' of the report, which outlines whether or not the comments were used to implement amendments to the document or not.

7.3 The draft policy document was presented to Business Strategy and Regulation Senior Management Team on the 25th August 2020 with minor amendments being requested. The details of these amendments are outlined within the overview of comments in Appendix 'C'. The policy document was presented again to SMT on the 10th September 2020 where it was formally approved.

7.4 Place Leadership Team approved the draft policy document on 23rd September 2020 with no further amendments.

7.5 The draft policy was previously presented to Licensing Committee on 5th October 2020, where Members requested the document be submitted to a future meeting, prior to its submission to the Cabinet, subject to the following suggestions, for approval:-

- (i) the issue regarding vaping be further referred to the Health Protection Service and the Office of the Director of Public Health for further comment; and
- (ii) the revised draft Statement to include tracked changes which clearly highlight what revisions have been made.

7.6 The final draft Statement of Licensing Policy for approval with revisions following consultation with the Office of the Director of Public Health is attached to the report at Appendix 'D'.

7.7 At Appendix 'E' is a document summarising the Changes made to the Statement of Licensing Policy throughout the Consultation.

8.0 A BRIEF TIMETABLE AHEAD

8.1 To meet the statutory requirements set out in the 2003 Act and associated regulations and to ensure that the Statement of Licensing Policy is published by the agreed deadlines; we must submit the document for Full Council approval in December 2020, to ensure it is published and in force in or before January 2021.

9.0 FINANCIAL IMPLICATIONS

9.1 There are no financial implications arising from this report.

9.2 The work on the revision of the Statement of Licensing Policy has been undertaken within the current resources of the Licensing Service.

10.0 RECOMMENDATIONS

- 10.1 That Members of the Licensing Committee approve the revised Statement of Licensing Policy with any amendments they feel necessary and refer the matter to Full Council for approval.

11.0 OPTIONS OPEN TO THE COMMITTEE

- 11.1 To approve the contents of the report; the attachments and the consultation that has taken place.
- 11.2 To refer the Statement of Licensing Policy to Full Council in December 2020 for approval.



Stephen Lonnie
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Date: 14th October 2020

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