



Cabinet Report

Report of: Executive Director, Place

Report to: Cabinet

Date: 11th November 2015

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

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

Key Decision: YES

Reason Key Decision: Affects 2 or more wards

Summary: The report sets out the details of the revised Statement of Licensing Policy to be published under the 2003 Act and details of the consultation process that has been undertaken.

The report also seeks approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refers to Full Council

Reasons for Recommendations:

To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and support the Council's Vision.

Recommendations:

That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2nd December 2015.

Background Papers: None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by: Anna Sanderson
Legal Implications
YES Cleared by: Marie-Claire Frankie
Equality of Opportunity Implications
NO Cleared by: Annemarie Johnston
Tackling Health Inequalities Implications
NO Cleared by: N/A
Human Rights Implications
NO Cleared by: N/A
Environmental and Sustainability implications
NO Cleared by: N/A
Economic Impact
NO Cleared by: N/A
Community Safety Implications
NO Cleared by: N/A
Human Resources Implications
NO Cleared by: N/A
Property Implications
NO Cleared by: N/A
Area(s) Affected
Whole of the City
Relevant Cabinet Portfolio Lead
Councillor Leigh Bramall
Relevant Scrutiny Committee
None
Is the item a matter which is reserved for approval by the City Council?
YES
Press Release
NO

REPORT OF THE EXECUTIVE DIRECTOR, PLACE

THE LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY - APPROVAL

1.0 SUMMARY

1.1 The Licensing Act 2003 states at Section 5 (1):

“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.”

1.2 This report is to seek approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refer the matter to Full Council for determination.

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

2.1 The Statement of Licensing Policy will assist the Licensing Service in administering and enforcing the Licensing Act system in accordance with the promotion of the four statutory licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

All four must be addressed when licensing functions are undertaken and they provide the foundation for all the decisions made by the licensing authority.

2.2 The Licensing Service will work with potential applicants to understand how we can enable their ideas to happen in line with our vision for the city to be attractive to a wide range of activities, visitors and residents. The service recognises that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate.

2.3 It will provide developers looking to come to Sheffield, new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process in the city.

2.4 The Licensing Service will work with the Corporate Policy, Performance and Communications Team to create a single, coherent information resource for the full range of licensing activities that we undertake, making space somewhere where the policies can be located and searched easily, easily understood by the use of a simple guide and this can be referred to when people need assistance.

2.5 The Licensing Service will develop a “City Wide Licensing Strategy” that will sit above all the service policies and a vision of what the Council wants for the City in terms of Licensing. The strategy will be an excellent link between our policies, the Corporate Plan and other key policies / strategies.

2.4 The Statement of Licensing Policy will assist the Council in achieving the priorities outlined in Our Plan 2015-18 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:-

2.4.1 **An in touch organisation**

How the Licensing Service will contribute:

We will listen and be responsive, and endeavour to meet the increasingly diverse needs of the individuals of Sheffield by working in partnership with our customers, partners and stakeholders.

- Intelligent – make full use of information we receive to inform decision making and drive service improvement. Pro-actively using our policies to help shape the City and what it has to offer.
- Efficient – continually strive to provide value for money by looking to improve quality and outcomes through “education” and “enforcement”.

2.4.2 **Strong economy**

How the Licensing Service will contribute:

We will help achieve our economic potential, be well connected, with skilled individuals and assist businesses.

- Vibrant City – work with potential investors to assist them when setting up new businesses in Sheffield by using the Corporate Plan (Vision), other Council Policies and this Policy to help get the right mix of business leisure and retail.
- Distinctive cultural and sporting assets – continue to work with our major venues and assist in delivering and maintaining an excellent cultural and sporting offer to those who live, work, and visit our city.

2.4.3

Thriving neighbourhoods and communities

How the Licensing Service will contribute:

Assist people to have a good quality of life and feel proud of where they live and have great local amenities.

- Assist in improving community safety by reducing antisocial behaviour in partnership with the Police etc.
- Help local businesses provide well run and appropriately licensed activities.
- Investigate complaints and enforce against those that choose to operate in breach of the law and/or their licence conditions

2.4.4

Better health and wellbeing

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health.

- Provide information and education around the impact of alcohol and gambling.
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health.
- Work with the Safeguarding Children Board to raise awareness and tackle any issues around CSE and Child / Adult Safeguarding

2.4.5

Tackling inequalities

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help

themselves.

- Though licensing help promote equality, diversity and inclusion.
- Continue to work with Schools, Colleges and Universities to deliver education around licensing.
- Work in partnership with other services to create and provide a resource / information around how licensed premises can operate and promote equality, diversity and inclusion

3.0 OUTCOME AND SUSTAINABILITY

3.1 The expected outcomes of the report are that:

- Sheffield City Council will have an up-to-date and effective policy under the Licensing Act 2003;
- Applicants will be provided with a clear, consistent basis for submitting applications and notices in Sheffield;
- A clear, consistent basis will be provided for determining licence applications in Sheffield;
- The relevant views of those affected by licensed premises will be taken into consideration;
- The wider strategies of the City Council are supported;
- Local communities and businesses are supported to ensure that licensed premises are properly managed and integrated in to the local community;
- The responsible sale of alcohol is promoted in a partnership approach; and
- The promotion of successful working partnerships between all agencies, local communities and other organisations involved the Licensing Act 2003 and the Night Time Economy.

4.0 BACKGROUND

4.1 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.”

4.2

The current Statement of Licensing Policy was published in January 2011, therefore the amended policy must be published in/before January 2016.

4.3

The proposed policy has changed entirely from the one that was published five years ago and has been produced in accordance with the 2003 Act and the Guidance issued under Section 182 of the Act.

5.0 WHAT DOES THE POLICY DEAL WITH

5.1 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.

5.2 The policy covers all types of applications that can be made under the Act.

The policy will guide the Licensing Committee when determining applications and

- 5.3 assists the Licensing Authority in administering and enforcing the Licensing Act system in accordance with the promotion of the four licensing objectives.
- 5.4 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.

6.0 CONSULTATION

- 6.1 All responsible authorities under the Act and relevant internal partners were consulted with prior to formal consultation in order to ensure the final consultation draft was as comprehensive as possible.
- 6.2 The formal consultation period began on Thursday, 11th June 2015 and concluded at 5:00pm on Friday 14th August 2015.
- 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; and
 - 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 groups; information was published on the Licensing Service webpages and officers attended a public meeting for the Central Area with local residents and Councillors.
- 6.5 The Licensing Authority received 9 responses to the consultation and amendments have been made where appropriate.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The work on the revision of the Statement of Licensing policy is a statutory duty placed upon us as the Licensing Authority and the work has been undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and resource implications to the Council arising from this report.

8.0 LEGAL IMPLICATIONS

- 8.1 Failure to formally review the Statement of Policy in accordance with Section 5 of the Licensing Act 2003, the Regulations and Associated Guidance would mean that the Council would not be able to comply with its statutory duty and would leave it open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December 2015 then the Council as the Licensing Authority have fulfilled its statutory duties.

9.0 EQUALITY OF OPPORTUNITY IMPLICATIONS

- 9.1 There are no adverse equality of opportunity implications arising from this report.
- 9.2 An Equality Impact Assessment has been prepared and retained.

10.0 REASONS FOR RECOMMENDATIONS

- 10.1 To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and supports the Council's Vision.

11.0 RECOMMENDATIONS

- 11.1 That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2nd December 2015.

Steve Lonnia
Head of Licensing
October 2015

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