

COUNCIL
8TH JULY 2021

Report of the Director of Regulatory Services

REVIEW OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING POLICY – 2021/2026

PURPOSE OF REPORT

The report seeks Council's approval to publish a revised version of its Alcohol, Regulated Entertainment and Late Night Refreshment Licensing Policy, required under the provisions of the Licensing Act 2003.

It is a legal requirement that this Policy must be approved by the full Council, and not under delegated powers.

Members are advised that if approved, the Policy will remain in force until January 2026, although interim revisions to it are permitted subject to the appropriate consultation exercise(s).

Members will be aware that following the most recent consultation exercise the Draft Policy document was considered by the Licensing and Appeals Committee on 15th April 2021.

(Minute Number: 322/20 refers - Review of Alcohol, Regulated Entertainment and Late Night Refreshment Licensing Policy).

RECOMMENDATION(S)

- (1) That the final Draft Policy in Appendix 1, relating to the licensing of Alcohol, Regulated Entertainment and Late Night Refreshment, is approved by the Council, for publishing with immediate effect.
- (2) That the revised Alcohol, Regulated Entertainment and Late Night Refreshment Policy is kept under review during the next 5-year period, and any interim changes proposed will be subject to the appropriate consultation exercise(s) with all stakeholders.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

1 REVIEW OF POLICY

The Licensing Act 2003 (section 5) requires a Licensing Authority to review and re-publish a statement of its Alcohol, Entertainment and Late Night Refreshment Licensing Policy every five years.

The policy sets out the principles that this Licensing Authority applies to promote the licensing objectives when making decisions on applications for new licences or variations to existing licences made under the Act. It focuses on the authority's approach to its responsibilities under the Act, and should be developed in light of feedback on whether the licensing objectives are being met, and in accordance with any revised guidance issued to local authorities under section 182 of the Act.

The Licensing Objectives

There are 4 licensing objectives specified in the legislation, and these are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Policy does not include procedures for making applications or holding committee hearings as these matters are covered by separate guidance and procedure documents and are made available to all would-be applicants and existing licence-holders, with a copy of the current Policy document.

A draft Policy for a consultation exercise was approved by the Licensing and Appeals Committee in January. The consultation exercise ended on 31st March, and the 6 responses received were reviewed by Officers. These were reported to the meeting of the Licensing and Appeals Committee on 15th April 2021, for consideration. The draft Policy document at **Appendix 1** has been updated to reflect the proposals and officer recommendations.

Officers consider that the Policy has worked well during the last 16 years, and in light of the response to the consultation do not feel that any significant changes are required at this time.

Once adopted and republished the reviewed policy will remain in force for 5 years, but this does not prevent an earlier review(s) being carried out if considered necessary.

2 RISK ASSESSMENT

2.1 Legal

The Council has a statutory obligation to review and re-publish the Licensing Policy statement every five years. There may be potential for decisions made in determining licensing applications that become the subject of judicial review or appeal. If the Licensing Policy is not credible it may be subject to legal successful challenge.

The Council's Statement of Licensing Policy is not only important in setting out the Licensing Authority's approach to carrying out its duties under the Licensing Act 2003, but it must also be applied by the Magistrates' Courts on appeal, unless there is good reason to depart from it.

The report is intended to address issues that may give rise to the need for change, and the legal risk is therefore assessed as being low.

2.2 Financial

There are no financial or other resource implications directly arising from this report. The financial risk is therefore assessed as low.

3 **OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 **CONTACT INFORMATION**

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5 **BACKGROUND PAPERS**

Licensing Act 2003 and Section 182 Guidance to Licensing Authorities (April 2018).
EqIA (Equalities Impact Assessment) 2020-21

6 **ATTACHMENT(S)**

Appendix 1 –
Revised Alcohol, Regulated Entertainment and Late Night Refreshment Policy 2021-2026