

<b>28 September 2021</b>		<b>ITEM: 7</b>
<b>Licensing Committee</b>		
<b>Licensing Act 2003 Statement of Licensing Policy</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Paul Adams, Licensing Manager		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm		
<b>This report is:</b> Public		

## **Executive Summary**

The Licensing Act 2003 previously required Local Councils to review their Statement of Licensing Policy every 5 years. A reviewed policy has been produced and consulted on for consideration and adoption.

### **1. Recommendation(s)**

#### **1.1 That the Committee –**

- (a) Considers the consultations response as in Appendix B; and**
- (b) Agrees reviewed Statement of Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

### **2. Introduction and Background**

- 2.1** The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every 5 years.
- 2.2** The current Statement of Licensing Policy first came into effect in 6 January 2014. The statement is now overdue for review, and requires publication as soon as possible

### **3. Issues, Options and Analysis of Options**

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expired on 6 January 2018. It is therefore imperative that the Council adopts a reviewed as soon as possible.
- 3.2 The reviewed policy has included the legislative changes in the following areas:
- The introduction of the Home Office as a Responsible Authority
  - The introduction of the right to work checks
  - The updating of the application procedures
- 3.3 Following Consultation, 12 response has been received to the revisions, of those responses 5 lefts comments which are attached in **Appendix B** for consideration. 6 responses were blank and were submitted without any comment. 1 response was submitted that related to a different consultation so has not been included.
- 3.4 The comments submitted by Public Health have been incorporated into the final Policy.
- 3.5 No other amendments have been made to the policy following the consultation responses.

#### **4. Reasons for Recommendation**

- 4.1 After consideration of the consultation comments, the policy may be amended if the committee feels necessary.
- 4.2 Adoption of the policy is a Full Council function,

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Consultation on the reviewed draft policy has been undertaken. All premises licensed under the Licensing Act 2003 by Thurrock Council were written to inviting them to view the draft policy, and to make any comments via the Councils online consultation portal.
- 5.2 Consultation has also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; planning; public health and environmental health.
- 5.3 The draft policy has also been published on the Council's online consultation portal for comments by the public.
- 5.4 The consultation period ran from 2 August 2021 to 16 September 2021.

#### **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Thurrock's Statement of Licensing Policy underpins the Authority's administration of the licensing regime. It should accord with the general principles in the Secretary of State's Guidance and promote the licensing objectives, which are:

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

## 7. Implications

### 7.1 Financial

Implications verified by: **Laura Last**  
**Management Accountant**

There are no financial implications for Thurrock Council.

### 7.2 Legal

Implications verified by: **Simon Scrowther**  
**Principal Lawyer**

The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Full Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

### 7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

A Community and Equality Impact Assessment has been undertaken and there are no Diversity and Equality Implications at this stage.

### 7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

**9. Appendices to the report**

- Appendix A – Reviewed Statement of Licensing Policy.
- Appendix B – Consultation responses.

**Report Author:**

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