

Committee(s): Licensing Committee	Date: 26 July 2022
Subject: Licensing Act Policy Review	Wards Affected: All
Report of: Paul Adams – Licensing Manager	Public
Report Author/s: Name: Paul Adams, Licensing Manager Telephone: 01277312503 E-mail: paul.adams@brentwood.gov.uk	For Decision

Summary

The Licensing Act 2003 requires Local Councils to review their Statement of Licensing Policy every five years. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

Recommendation(s)

Members are asked to:

R1. Agree for the reviewed statement of Licensing Policy to go out to consultation, and

R2. That after consultation, relevant responses are reported to the Licensing Committee for consideration, or

R.3 If no relevant responses are received during consultation, then it is recommended the policy be referred to Ordinary Council for the adoption.

Main Report

1. Introduction and Background.

- 1.1. 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 five years.
- 1.2. In compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as **Appendix A.**
- 1.3. As part of this review interested parties will be consulted with including licence holders and their representatives, and the public

2. Issue, Options and Analysis of Options

- 2.1. The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current policy expired in January 2021. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.
- 2.2. 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. Reasons for Recommendation

- 3.1. The adoption of the policy is an Ordinary Council function.
- 3.2. This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Ordinary Council for adoption.

4. Consultation

- 4.1. Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by Brentwood Borough Council will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 4.2. Consultation will also be undertaken with other stakeholders and with Responsible Authorities which will include, Essex Police; Essex Fire and Rescue; Essex Trading Standards; health and safety regulators; Home Office (immigration) Brentwood Borough Councils Planning; Public Health and Environmental Health Noise Team.
- 4.3. The draft policy will also be published on the Council's website for comments.
- 4.4. The consultation period will run for 6 weeks.

5. References to Corporate Plan

- 5.1. None.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications for Brentwood Council arising from this report.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

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

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

There are no direct financial implications for Brentwood Borough Council arising from this report.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The policy states that as part of the Licensing Act there needs to be protection of children from harm.

Health & Wellbeing Implications

Name/Title: Jo Cory, Corporate Health & Wellbeing Officer

Tel/Email: 01277 312500/jo.corey@brentwood.gov.uk

There are no direct Health or Wellbeing implications arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

Background Papers

None.

Appendices to this report

Appendix A – Reviewed Statement of Licensing Policy.