

## **REPORT TO LICENSING COMMITTEE**

**Date of Meeting:** 29<sup>th</sup> Oct 2019

**Report of:** Environmental Health and Licensing Manager

**Title:** Report outlining a proposal to introduce an updated Statement of Licensing Policy

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **Is this an Executive or Council Function?**

Council function

#### **1. What is the report about?**

- 1.1 This report details the responses to the consultation undertaken into the proposed updated Statement of Licensing Policy which was presented to the Committee at the meeting on 16<sup>th</sup> July 2019. A full 12 week consultation has been undertaken. The Licensing Committee is constituted with formulating new statements of licensing policy with the final policy going to Full Council for adoption.

#### **2. Recommendations:**

- 2.1 The Licensing Committee are requested to approve the updated Statement of Licensing Policy in order that it can be progressed through to full Council for adoption in December.
- 2.2 That Council formally adopts the updated Statement of Licensing Policy.

#### **3. Reasons for the recommendation:**

- 3.1 The Licensing Committee resolved on 16<sup>th</sup> July 2019 that a public consultation should begin on the proposed revised policy. Following the Licensing Committee's decision, the Licensing Team undertook a full 12-week consultation with a wide range of stakeholders who may have an interest in this policy, including existing licence holders, and statutory consultees.
- 3.2 The Licensing Authority received no comments or representations in relation to the consultation stage, although Devon and Cornwall Constabulary were actively involved in the discussions which led to the formulation of the draft policy.

#### **4. What are the equality and diversity impacts of this decision? A completed EqIA is attached at Appendix A.**

#### **5. What are the resource implications including non financial resources:**

- 5.1 The proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.
- 5.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.
- 5.3 Any future costs in relation to the production of the policy will be met by income from fees.

**6. Section 151 Officer comments:**

There are no significant financial implications contained in this report for Council to consider.

**7. What are the legal aspects?**

None identified.

**8. Monitoring Officer Comments:**

This report raises no issues for the Monitoring officer.

**9. Report details:**

9.1 This proposed policy sets out the general principles that the Council will follow in relation to the enforcement of the Licensing Act 2003.

9.2 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of the Licensing Act 2003 and the discretionary functions it undertakes.

9.3 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

**10. How does the decision contribute to the Council's Corporate Plan?**

10.1 The proposed Statement of Licensing Policy will contribute to improvements in licensing regulation, help promote a healthy and safe city, and lend support to a robust, business friendly economy.

**11. What risks are there and how can they be reduced?**

11.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been minimised by ensuring appropriate consultation has taken place.

**12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?**

12.1 Formulating a licensing policy that recognises the key aims of the council, responsible authorities and other stakeholders will make a positive impact on creating a vibrant city to live, work and visit.

**13. What other options are there, and why have they been dismissed?**

13.1 Members of the Committee may reject the proposed policy on the grounds that the policy requires amendment. However, significant amendment to the proposed policy would likely require a further consultation period.

## **Environmental Health and Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

01392 265115



## **Equality Impact Assessment** - To be completed using the checklist of questions at the end of the table

**Title of work being assessed:** Report outlining a proposal to introduce an updated Statement of Licensing Policy

### **Introduction**

The Licensing Act 2003 introduced significant changes to the Licensing Law in England and Wales. This report refers to one of the main provisions of the Act, the Licensing Act Policy Statement [the Policy] & the requirements enshrined in the legislation with regard to the need to review it.

Local Authorities are required to develop and adopt a Policy in consultation with a number of prescribed bodies every three years. There is an additional requirement on the Licensing Authority to consult those bodies again if new proposals are intended to be included.

The revised Policy draft document at appendix 1 was used as a basis for consultation with Members of the Council, businesses and resident's representatives and others with an interest in the policy. The consultation was undertaken for a period of 12 weeks in-line with good practise. The Licensing Authority received no comments or representations in relation to the consultation stage, although Devon and Cornwall Constabulary were actively involved in the discussions which led to the formulation of the draft policy.

**Lead officer:** Lee Staples (Principal Licensing Officer)

**Service Manager:** Simon Lane (Environmental Health & Licensing Manager)

### **Stakeholders:**

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>
<b>Protected characteristic/ area of interest</b> <b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers asylum seekers etc.)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Disability</b> (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sex/Gender</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Gender reassignment</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Religion and belief</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual)	There is no evidence to suggest that the proposed policy amendment would		

	have a potential impact on this characteristic.		
<b>Age</b> (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).			
<b>Community relations</b>		An appropriate Statement of Licensing Policy will contribute positively to community relations through the licensing of appropriate venues/ activities which help to maintain a vibrant city to live, work and visit.	
<b>Human Rights</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Actions identified as a result of the impact assessment</b>	Review Policy and EqIA every three years.	Review Policy and EqIA every three years.	
<b>Action</b>	Lead	By when	
	Principal Licensing Officer	October 2022	

<b>Equality Impact Assessment Report Questions checklist</b>	
<b>1.</b>	Describe the piece of work you are assessing and the reason it is being carried out. Are you: <ul style="list-style-type: none"> <li>○ Making a strategic budget proposal</li> <li>○ Developing a new policy, strategy or project</li> <li>○ Reviewing and revising a policy, strategy or project</li> <li>○ Reviewing a function or a service</li> <li>○ Restructuring a service.</li> </ul> Include any options appraisal and if you have a preferred option explain why.
<b>2.</b>	What are the timescales for completing the work? What committee deadlines do you have to meet?
<b>3.</b>	What are the aims and objectives of the work? How do these link to wider council or strategic objectives.
<b>4.</b>	Who will be the main beneficiaries of the piece of work and in what way? All people in Exeter? Council staff? A specific stakeholder group? A combination of these?
<b>5.</b>	What data do you have on how different groups would be affected by the work?
<b>6.</b>	What research studies or reports have been carried out in other areas of the country or nationally that provide information about the likely impact of your work on equality groups?
<b>7.</b>	What consultation has taken place or is planned with customers (individuals and groups) from equality groups?
<b>8.</b>	What does the consultation indicate about any differential positive or negative impact(s) of this piece of work?
<b>9.</b>	If there are gaps in your previous or planned consultation and research are there any experts/relevant groups that can be contacted to get further views or evidence on the issues? If so please explain who they are and how you will obtain their views.
<b>10.</b>	If you have indicated there is a negative impact on any group, is that impact Legal; Intended; of high or low impact?
<b>11.</b>	If you identified any negative impact that is of low significance, can you minimise or remove it? If so how?
<b>12.</b>	Could you improve the strategy/policy/project's positive impact and if so how?

13.	How do you intend to continue monitoring the impact of this strategy/policy/project?
14.	If there are gaps in your evidence base, do you need to carry out any further research about the likely impact of your work on equality groups?
	<b>There might be a time delay here as you will need to get the results of your consultation before you can continue working your way through the questions.</b>
15.	As a result of this assessment and available evidence collected, including consultation, what if any changes do you need to make to the strategy/policy/project?
16.	Will the changes planned ensure that the negative impact is: Legal; Intended; of low impact?
17.	What monitoring/evaluation/review process have you set up to check the successful implementation of the strategy/policy/project?
18.	How will this monitoring/evaluation further assess the impact on the equality groups/ensure the strategy/policy/project is non-discriminatory?
19.	Please provide an action plan showing any recommendations that have arisen from the assessment and how you plan to take them forward. Are your actions SMART (specific, measurable, achievable, relevant and time-based).
20.	When will you next review this work and the impact assessment?