



LICENSING AND GAMBLING
COMMITTEE: 3 DECEMBER
2019

COUNCIL: 11 DECEMBER 2019

Report of: Corporate Director of Place & Community

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**SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY
REQUIRED BY THE LICENSING ACT 2003**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the revised Statement of Licensing Policy as required by the Licensing Act 2003.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the Statement of Licensing Policy 2020 attached as Appendix C to this report be endorsed, prior to submission to Council for final approval and publication.

3.0 RECOMMENDATIONS TO COUNCIL

3.1 That the Statement of Licensing Policy 2020 attached as Appendix C to this report be approved.

3.2 That the Corporate Director of Place and Community be given delegated authority to publish and operate the Statement of Licensing Policy 2020 attached as Appendix C to this report.

3.3 That the Corporate Director of Place and Community be given delegated authority to make any minor/inconsequential amendments to the Statement of Licensing Policy.

3.0 BACKGROUND

3.1 Members of the Licensing and Gambling Committee will recall the report of 2 July 2019 attached as Appendix B to this report (excluding Appendices), which requested approval of a revised draft statement of Licensing Policy (the Policy).

3.2 The draft Policy was approved and, in accordance with the statutory guidance issued under Section 182 of the Act (the Guidance), was subject public consultation. The consultation was carried out under existing delegations and lasted just over the recommended 12 weeks, running from 1 August 2019 until 31 October 2019.

4.0 CURRENT POSITION

4.1 Those responses received during the consultation period have been assessed and the detail is provided in Appendix D to this report. Those who submitted a response have been acknowledged and the comments have resulted in minor amendments to the final Policy Statement attached at Appendix C.

5.0 ISSUES

5.1 In order for the Council to comply with its statutory duties as Licensing Authority, the Policy attached as Appendix C to this report must be endorsed by the Licensing and Gambling Committee and subsequently approved by Council.

5.2 Assuming endorsement by the Licensing and Gambling Committee, the Policy will be presented to Council on 11 December 2019. If approved by Council, the Policy will be published before 7 January 2020, coming into force on 7 February 2020.

5.3 In addition, given the impending staff changes in April 2020 resulting from the Council's Sustainable Organisation Review Project, a delegation is also sought to the Corporate Director of Place and Community to make minor/inconsequential amendments to the Policy to ensure the content remains accurate.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 The operation of the Act has the potential to impact upon many areas within the Community, particularly upon licensed premises directly and the Council's ongoing licensing responsibilities to the public within West Lancashire.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no financial implications associated with this report.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to carry out the functions of the Act and must review the current Policy Statement before 7 February 2020. Any failure to administer a review of the Policy appropriately is a breach under the Act and would render any future licensing decisions potentially unlawful. Accordingly, there is significant involvement from, and impact upon, relevant statutory bodies, the licensed trade, the public and other interested parties.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Guidance issued under section 182 of the Licensing Act 2003 – April 2018

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A Equality Impact Assessment
- B Licensing and Gambling Committee report: 2 July 2019 and related minutes
- C West Lancashire Borough Council: Licensing Act 2003 – Statement of Licensing Policy 2020
- D Consultation response analysis
- E Minute of Licensing and Gambling 3 December 2019 (Council only)

Appendix A

Equality Impact Assessment Form



Directorate: Leisure and Environment	Service: Licensing
Completed by: Paul Charlson	Date: 08/11/19
Subject Title: APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY REQUIRED BY THE LICENSING ACT 2003	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Licensing Authorities, service users, members of the public.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public and businesses use or operate the licences outlined in this report.

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Licensing Authorities, Responsible Authorities, licensed trade, service users, and members of the public.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>

7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	Upon further review of the Policy.