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# **Statement of Licensing Policy – 2022/2027**

Neighbourhoods Scrutiny Commission

Decision to be taken by: Council

Date of meeting: 27 January 2022

Lead director/officer: John Leach, Director of  
Neighbourhood and Environmental Services

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## **Useful information**

- Ward(s) affected: All
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- Report version number: Version 1

### **1. Summary**

- 1.1 To update the Commission on the review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and seek any comments before the Policy goes to Full Council on 24 February 2022.

### **2. Recommended actions/decision**

- 2.1 The Commission is asked to make any comments on the proposed policy, which will be reported to Full Council on 24 February 2022.

### **3. Scrutiny / stakeholder engagement**

- 3.1 In accordance with the Licensing Act, consultation has taken place with:
- The Responsible Authorities as defined under the Act;
  - All Councillors;
  - Holders of existing licences;
  - Neighbouring businesses, and any other interested parties including trade organisations, Solicitors representing the licensed trade;
  - Members of the Public

### **4. Background and options with supporting evidence**

- 4.1 The Licensing Act 2003 came into force on 24 November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late-night refreshment, to be administered by the local licensing authority which is Leicester City Council.
- 4.2 Section 5 of the Act requires each licensing authority to prepare and publish a statement of licensing policy every five years. The policy statement is expected to set out, for the benefit of applicants, responsible authorities and members of the local community, how the authority intends to approach its licensing responsibilities under the Act. Each authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary.
- 4.3 In determining its policy, the council is exercising a licensing function and as such must have regard to the guidance issued by the Secretary of State under section 182 of the 2003 Act. It must also give appropriate weight to the views of those persons/bodies

listed in section 5(3) of the Act which it is required to consult before determining its policy.

- 4.4 The council is required to have regard to the statement of licensing policy and make decisions in accordance with it. Licensing authorities may depart from their policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In this event it is important that full reasons are given for departing from the published statement of licensing policy.
- 4.5 The 2003 Act imposes a duty on the council, as the licensing authority, to carry out its functions under the Act with a view to promoting the four licensing objectives, namely:
- the prevention of crime and disorder
  - the promotion of public safety
  - the prevention of public nuisance
  - the protection of children from harm.

## **5. Detailed report**

- 5.1 The draft policy has been through a consultation process which took place between 6 September 2021 and 20 October 2021. The draft proposed policy is attached at **Appendix A** and attached at **Appendix B** is a list of those consulted.
- 5.2 The consultation was brought to the attention of all Councillors, responsible authorities, bodies representing the licensed trade, Solicitors within the licensing field, other Local Authorities in Leicestershire and via the Council's website and social media to the wider public. An email was also sent to all licence holders who had an up to date email address on our systems.
- 5.3 The review of the Policy included the addition of some new parts to the Policy which include:
- a contribution from Public Health in terms of the impact of alcohol on the health and wellbeing of the residents of Leicester – **Section 6.27 to 6.37.**
  - The inclusion of Section 7a - Areas of Special Interest and Consultation where applicants will be expected to make contact with the Responsible Authorities and tailor their operating schedules accordingly if they wish to apply for a licence in those areas specified – **Section 8.**
  - A reassessment of the current Cumulative Impact Areas (CIA's) for Churchgate, Belvoir Street, Braunstone Gate and London Road / Granby Street (Off licences) – **Section 7.**
  - Reference to other Council Policies and Strategies so that applicants are aware of the dynamics of Leicester in terms of the demographics and social make- up of the City, economic ambitions, tourism ambitions and the health and well-being of our residents – **Section 3.**
- 5.4 The review also took into account any legislative changes since the last policy was approved such as the increase in the limits on Temporary Event Notices and changes to the guidance in terms of Cumulative Impact Policies and how they are to be applied.

5.5 The responses received and officers' comments on those responses are at **Appendix C**.

5.6 As a result of the consultation some amendments are proposed and these are highlighted in red within the policy, these are:-

- Inclusion at **1.2** of the Musicians Union as an organisation consulted during the process of revising the policy;
- At **2.5 Cultural Activities in Leicester** reference to deregulated entertainment.
- Inclusion at **6.38 - Excessive Consumption of Alcohol** of information from the Portman Group regarding their work and Codes of Practice;

5.7 The draft policy and results of the consultation were presented to the Licensing and Public Safety Committee on 15 November 2021. Members were asked to provide comments on the proposed policy and the proposals for the special policy on cumulative impact, to assist Full Council when setting the policy for 2022 to 2027.

5.8 At the meeting, those members present asked for consideration to be given to the inclusion of additional areas of special concern in addition to those proposed in the draft policy. In particular the locations of Green Lane Road and Sparrow Park were cited by a councillor as locations of concern due to issues of on street drinking and associated anti-social behaviour through complaints by the residents directly to him.

5.10 Officers subsequently contacted the Council's Crime and Anti-Social Behaviour Unit (CrASBU), Licensing Enforcement and Noise and Pollution Control Teams and Leicestershire Police asking for any evidence that they may hold that would indicate that these areas should be included in the Policy as areas of special concern. The outcome of this exercise has not however provided information that supports their inclusion.

5.11 This does not mean however that where premises do come to the attention of the Responsible Authorities that action cannot be taken against those premises found to be undermining the Licensing Objectives. Furthermore, any new applications will still be open to representation from the responsible authorities or any interested person if they consider there will be an adverse impact on one or more of the licensing objectives.

5.12 In view of the above it is not proposed to add Green Lane Road or Sparrow Park as areas of special concern.

5.13 The next steps for the draft policy are as follows: -

<b>Full Council</b>	24 February 2022
<b>Policy comes into effect</b>	1 April 2022

## **6. Financial, legal, equalities, climate emergency and other implications**

### **6.1 Financial implications**

There are no financial implications arising from the proposed changes to the Licensing Policy.

*Stuart McAvoy – Principal Accountant*

### **6.2 Legal implications**

Section 5 of the Licensing Act 2003 requires the Council as a Licensing Authority to determine its statement of licensing policy for each five-year period. Before determining the statement of licensing policy, the Authority must consult on it, and the Authority must then publish the statement of licensing policy. Throughout the five-year period the Authority is required to keep the statement of licensing policy under review and make any revisions as may be appropriate. In determining or revising its policy, the Authority must have regard to any cumulative impact assessments published by it under section 5A of the Act.

*John Moss - Legal Services*

### **6.3 Equalities implications**

Under the Equality Act 2010, public authorities have a continuing Public Sector Equality Duty (PSED) which means that, in making decisions and carrying out their activities they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The statement of licensing policy should refer to this legislation and explain how the Equality Duty has been complied with. To demonstrate that the consideration of equalities impacts has been taken into account in the development of the proposals and as an integral part of the decision-making process, an Equalities Impact Assessment is being undertaken. Consultation that has taken place should be used to help to inform the impact assessment. The Equality Impact Assessment process should continue to be used as a tool to aid consideration around whether we are meeting the aims of the Public Sector Equality and monitor the impacts of the amendments suggested in the report and the revised policy.

*Kalvaran Sandhu, Equalities Manager, Ext 37 6344*

### **6.4 Climate Emergency implications**

There are no significant climate emergency implications associated with this report.

*Aidan Davis, Sustainability Officer, Ext 37 2284*

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

**7. Background information and other papers:**

None

**8. Summary of appendices:**

Appendix A – Draft Statement of Licensing Policy for 2022-2027

Appendix B – List of Consultees

Appendix C – Responses received with Officers Comments

**9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**10. Is this a “key decision”? If so, why?**

No