

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Sharon Davies, Senior Solicitor- Licensing
<b>Date of Meeting</b>	6 June 2023

## THE ROLE AND RESPONSIBILITIES OF THE LICENSING COMMITTEE

### 1.0 Purpose of the report:

1.1 To update the Committee on the role and responsibilities of the Licensing Committee.

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

3.1 It is important that members understand the responsibilities of the Licensing Committee

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

None.

### 5.0 Council Priority:

5.1 The relevant Council priority is: “The economy – maximising growth and opportunity across Blackpool”.

## 6.0 Background Information

### Licensing Act 2003

- 6.1 The Council, as Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives. The Council must establish a Licensing Committee comprising at least 10 and not more than 15 members (the current Licensing Committee meets this requirement as it consists of 12 members). It must also determine and publish a Statement of Licensing policy (this must be approved by the Full Council).

All matters relating to the discharge by the Licensing Authority of its Licensing functions are referred to the Licensing Committee and that committee must discharge those functions on behalf of the authority.

- 6.2 The Licensing Objectives set down in legislation are

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance

- 6.3 The Licensing Act 2003 (the Act) creates a regime to regulate the sale of alcohol, provision of regulated entertainment and provision of late night refreshment through Premises Licences, Club Premises Certificates and Temporary Event notices. The Act and associated regulations sets out the application process. If no representations are received during the appropriate period, the application must be granted administratively by the Licensing Service. Councillors receive weekly updates on licences granted in this

- 6.4 The full Licensing Committee meets three or four times a year to:
- Consider matters of policy and to recommend them to the Council/Executive as appropriate
  - Consider reports on the work of the Licensing Service
  - Receive updates on the work of the enforcement team

The full Licensing Committee will not consider individual licensing applications. Applications where representations have been received will be considered by a panel of three members of the Licensing Committee – separate training will be provided on licensing panels.

#### 6.5 **Statement of Licensing Policy -**

Section 5 of the Act requires the Council to prepare and publish a statement of licensing policy at least every five years. During this period, the policy must be kept under review and if amendments are made, a new five-year policy will start.

The current policy took effect on 11 February 2021 so will expire in February 2026.

#### 6.6 **Cumulative Impact Assessment**

This is an evidence-based tool, which allows an authority to limit the growth of licensed premises in an area where the density of licensed premises is having a detrimental effect on one or more of the licensing objectives. An application in a Cumulative Impact Assessment area is more likely to attract representations.

Blackpool has two such Assessments published, one for the town centre covering on-licensed and takeaway premises, another relating to off-licences in specified areas.

These assessments published in February 2021 must be reviewed by February 2024.

#### 6.7 **Consultation**

Before revising the Licensing Policy or Cumulative Impact Assessment, consultation must take place with:

- The Chief Officer of Police for the area
- The fire and rescue authority for the area
- The Director of Public Health
- Persons/Bodies representative of local premises licence holders
- Persons/Bodies representative of local club premises certificate holders
- Persons/Bodies representative of personal licence holders
- Persons/Bodies representative of businesses and residents in the area.

#### 6.8 **Gambling Act 2005**

All functions of the licensing authority are delegated to the licensing committee except:

- The making of a resolution not to issue casino licences
- The power to set fees
- The preparation and publication of a statement of policy

#### 6.9 **The Gambling Act 2005 requires that the authority shall aim to permit the use of premises for gambling in so far as the authority thinks it:**

- In accordance with the relevant codes of practice
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the policy statement issued by the authority.

6.10 In determining whether to grant a premises licence, a licensing authority may not have regard to the expected demand for the facilities which the applicant proposes to provide.

6.11 The Gambling Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.12 Statement of Policy – regulations require that the following must appear in the policy:

- A description of the geographical area covered by the policy
- A list of the persons consulted in preparing the statement
- The principles to be applied when determining whether someone is an interested party
- The principles to be applied with respect to the exchange of information between the authority and the Gambling Commission

6.13 The role of the Gambling Commission –

- Provide guidance to the local authority
- Develops conditions and codes of practice for the industry
- Issues operating licences (required to make and hold a premises licence)
- Issues personal licences
- They are consulted on applications for Premises licences

6.14 **Other policies**

The Council are required by the legislation to have policies on how they deal with applications under the Licensing Act 2003 and Gambling Act 2005. These must be approved by full Council. The Licensing Committee's role is to develop the policies and recommend them to Council. There are a number of other licensing policies which the Council are not required to have, but it is good practice to do so. These policies are developed by the Public Protection Sub-Committee, considered by the Licensing Committee and then receive final approval from the Executive. Whilst there is no law determining the life-span of these policies, to ensure they remain up to date, as a matter of good practice they should be reviewed at least every five years.

Other policies considered by the Licensing Committee currently include

- Hackney carriage and private hire policy – last reviewed 2022
- Horse drawn hackney carriage policy – due for review
- Sex Establishment Policy – last reviewed 2021

6.8 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/ External Consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.