

West Suffolk Statement of Licensing Policy

Report number:	CAB/WS/22/060	
Report to and dates:	Cabinet	8 November 2022
	Council	13 December 2022
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours. This item will be referred to Council for a final decision and is, therefore, not subject to call-in. This item is included on the Decisions Plan.

Wards impacted: All wards

Recommendation: Subject to the approval of Council, it is recommended that the revised West Suffolk Statement of Licensing Policy 2022 to 2027, as contained in Appendix B to Report number: CAB/WS/22/060, be adopted.

1. Context to this report

- 1.1 The Licensing Act 2003 established a single integrated scheme for licensing premises in England and Wales which are used for the sale or supply of alcohol, to provide regulated entertainment, or late-night refreshment. The legislation supports public safety through upholding the following four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 1.2 In order to license this activity, section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published.
- 1.3 The policy must be kept under review during the five-year period and the licensing authority may make any revisions as it considers appropriate, such as those relating to feedback from the local community on whether the licensing objectives are being met, so it continues to be relevant and fit for purpose throughout the relevant time period.

2. Revising the Statement of Licensing Policy, 2022-2027

- 2.1 The proposed substantive changes to the Statement are minimal and they are primarily dictated by changes in guidance and legislation.
- 2.2 The key alterations are:
- An additional segment has been added on ancillary delivery of alcohol and late-night refreshments. This has been added due to changes in business and customer habits caused by COVID-19. As more premises licensed to sell alcohol are providing a delivery service, which is an ancillary to the main use of the premises, it is important to ensure that this kind of business is captured within the council's policy. Applications for premises that intend to sell alcohol in this way will generally be granted subject to not being contrary to other policies within the Statement of Licensing Policy. It will also need to meet certain criteria, such as:

- Delivery only takes place within relevant core hours
 - Delivery to residential addresses or workplace will remain ancillary to the main premises use
 - The applicant implements their own age verification procedures and ensures staff are appropriately trained
 - Ensure that delivery adheres to other core objectives of the Statement.
- The entire opening section setting out the area profile has been redrafted. This is to ensure that the information has been updated and condensed.

2.3 Besides the above changes, most other alterations have been made to shorten the document to make it easier to navigate and more accessible. This includes additional appendices which have been added to reduce the substantive policy and avoid repetition.

3. Alternative options that have been considered

3.1 There are no alternative options to consider because the council is statutorily obliged to publish a Statement of Licensing Policy, and to consult on that policy in a way that the council deems appropriate.

4. Consultation undertaken

4.1 There is a statutory duty to undertake a consultation to gauge impact and opinion among key stakeholders. This was held between 21 June and 22 July 2022.

4.2 The consultation followed best practice by focusing on direct engagement with the key stakeholders. The stakeholders identified were:

- The police constabulary
- Parish and town councils
- Persons/bodies representative of license holders/businesses in the area

4.3 All respondents were able to provide comment on any aspect of the policy statement.

5. Consultation responses summary

5.1 In total, three responses were received, from the Suffolk Constabulary, a parish council and a licensee. The council has set out specific responses to each comment (please see Appendix A).

5.2 No comments received resulted in necessary changes to the Statement of Licensing Policy.

- 5.3 While the response was small, the consultation findings support the changes to the Statement of Licensing Policy as proposed.

6. Recommendation

- 6.1 It is recommended that the Statement of Licensing Policy (2022-2027) is now approved by Cabinet with a view to it being presented to full Council in December 2022 for adoption.

7. Risks associated with the recommendation

- 7.1 There are no risks associated with the recommendation. All elements of the policy statement are already council practice, as directed by statutory guidance.

8. Implications arising from the recommendation

- 8.1 **External organisations (such as businesses, community groups)** – the proposals will require licensees to have due regard to safeguarding when delivering alcohol. However, this is an extension of what is expected by law and will not place any additional financial burden on businesses. The streamlined and more user-friendly Statement will be beneficial to licensees because it is easier to navigate.
- 8.2 **Financial** – there are no specific financial implications arising from this report.
- 8.3 **Crime and disorder** – the council has a duty to consider the potential impact of its decisions on crime and disorder. It is anticipated that the actions in this report will have a positive impact. Members of the Licensing Team are presently reviewing ways to improve the wider enforcement culture across partnerships and would like to adhere to government recommendations which stipulate joint protocols are agreed with other responsible authorities. As such, the council will engage with partners, particularly Suffolk Constabulary, regarding developing and agreeing joint enforcement protocols over the next year.

9. Appendices referenced in this report

- 9.1 Appendix A – Consultation response summary
- 9.2 Appendix B - West Suffolk Statement of Licensing Policy

(Note: this document has been attached to members' printed agenda packs in black and white form only. To view the colour version, please follow the link to the agenda papers here: [Agenda for Cabinet on Tuesday 8 November 2022, 6.00 pm \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/Agenda-for-Cabinet-on-Tuesday-8-November-2022-6.00-pm))