

REPORT TITLE: Proposed Revision to Statement of Licensing Policy 2025 - 2030

Meeting:	Licensing and Safety Committee
Date:	Wednesday 18 th December 2024
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
Purpose of Report To submit for members consideration, the review of the Statement of Licensing Policy, as required by the Licensing Act 2003	
Recommendations <ul style="list-style-type: none"> Members are asked to consider the revised policy and recommend it to Full Council for adoption. Reasons for Recommendations <ul style="list-style-type: none"> Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The previous review of the policy occurred in 2019 and was adopted by the Council in January 2020. 	
Resource Implications: There are no resource implications relating to this report.	
Date signed off by <u>Executive Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	David Shepherd – 24 th November 2024 Kevin Mulvaney – 2 nd December 2024 Samantha Lawton – 25 th November 2024

Electoral wards affected: All

Ward councillors consulted: All (as part of the formal consultation)

Public or private: Public

Has GDPR been considered? Yes, any personal data has been redacted for the purposes of this report.

1. Executive Summary

1.1 There is a statutory requirement for the Licensing Authority to prepare and publish a Statement of Licensing Policy at least every five years.

1.2 The Statement of Licensing Policy was previously approved and adopted by the Council in January 2020.

2. Information required to take a decision

2.1 The Licensing Act 2003 requires each Authority to carry out its various licensing functions and whilst doing so must promote the following four licensing objectives: -

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

2.2 The authority is required to publish a Statement of Licensing Policy every five years. The policy is applied to aid in the promotion of the four licensing objectives when considering applications applied for under the Licensing Act 2003.

2.3 The Statement of Licensing Policy provides guidance for all parties, from applicants, people wishing to submit a representation and the Councillors who sit on the panel and consider applications.

2.4 The revised policy must be considered and endorsed by the Licensing and Safety Committee before being referred to Full Council for adoption.

2.5 A copy of the Revised Statement of Licensing Policy can be seen at **Appendix 1**, the proposed additions/amendments are shown in red and deletions in blue.

2.6 The proposed amendments to the policy reflect the amendments to the Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 as amended in December 2023.

2.7 In addition, Section 18 - Enforcement of the revised policy has been updated and the licensing authority has taken the opportunity to include further additional sections, namely:

- Section 8 - Alcohol Toolkit
- Section 14 - Spiking Prevention
- Section 15 - Sustainable Event Management
- Section 16 - Martyn's Law
- Section 17 - Safer Night-time Economy

2.8 Prior to carrying out the consultation, the licensing service engaged with key stakeholders via online drop-in sessions. Further details can be seen at section 5 of this report.

2.8 Before determining its policy, the Licensing Authority must consult the persons listed in Section 3(5) of the 2003 Act, these are:

- The chief officer for the police for the area
- The fire and rescue authority for the area
- Each local authority's Director of Public Health
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders and
- Persons/bodies representative of businesses and residents in its area.

2.9 The formal statutory consultation took place for 8-weeks commencing on Thursday 18th July and ending at midnight Wednesday 11th September. The consultation results and the Council's response to comments can be seen at **Appendix 2**.

2.9 The Licensing Authority is required to give appropriate weight to the views of those consulted in respect of the revised policy.

2.10 Statements of policy should make clear that:

- Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003, and
- Condition attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

2.11 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

3. Implications for the Council

3.1 Council Plan

The issuing of licenses supports the Council's vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

3.2 Financial Implications

The fees charged under the Licensing Act 2003 are statutory, and as such are not set by the Local Authority, and the fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, which is based on the statutory requirements. Where Licensing Authorities exceed these requirements, they will be required to absorb those costs themselves.

3.3 Legal Implications

There is a legal requirement for the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years, in January 2025 it will be five years since the previous revised policy was adopted.

When reviewing responses to the consultation, due weight and consideration must be given to all representations including, where appropriate, why some (if any) have been disregarded. This is so in the event the policy is challenged, the Authority can evidence to a Court the rationale for the decision.

3.4 Other (eg Risk, Integrated Impact Assessment or Human Resources)

An Integrated Impact Assessment has been completed and can be accessed on the Councils Website here [Integrated Impact Assessments - IntegratedImpactAssessment](#)

4 Consultation

4.1 Consultation has been carried out in accordance with the requirements as set out in the Licensing Act 2003. The consultation period was 8-weeks from Thursday 18th July 2024 to Wednesday 11th September 2024. Those consulted are follows: -

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
 - West Yorkshire Police
 - West Yorkshire Fire Service
 - Environmental Health and Health and Safety at Work
 - Planning
 - Public Health
 - West Yorkshire Joint Services (Trading Standards)
 - Secretary of State (Immigration Enforcement)
 - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

4.2 In total 9 responses were received to the consultation; those responses were received from: -

- 4 Members of the public
- 4 Existing Licence holders or representatives
- 1 Other (On behalf of a Parish Council)

4.3 The responses to the consultation, along with officer's comments can be seen at **Appendix 2.**

5 Engagement

5.1 Prior to the commencement of the statutory consultation engagement sessions were held with the following, which involved input into the proposed revisions within the policy. Those involved in the engagement process were as follows: -

- Police / Counter Terrorism Officers
- Environmental Health
- Public Health
- Emergency Planning
- Climate Team
- Safer Kirklees Council
- West Yorkshire Joint Services – Trading Standards

6 Options

6.1 Options considered

Members are asked to consider the proposed revised licensing policy statement and all responses to the consultation and make a formal recommendation to Full Council that the proposed revised policy attached at **Appendix 1** be adopted as the Councils Statement of Licensing Policy for the period 2025 to 2030, either:

- i. As proposed following consideration of the consultation responses; or
- ii. With amendments following consideration of the consultation responses.

6.2 Reasons for recommended option

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The previous review of the policy occurred in 2019 and was adopted by the Council in January 2020.

7 Next steps and timelines

7.1 Members are asked to consider the proposed revised Statement of Licensing policy, following consideration of the responses to the consultation and any proposed amendments that result from the consultation.

7.2 Members are asked to make a formal recommendation to Full Council on Wednesday 15th January 2024 that the proposed revised policy be adopted as the Council's Statement of Licensing Policy for the period 2025 to 2030.

8 Contact officer

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9 Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Monday 6th January 2020, 10.00 am | Kirklees Council](#)

[Agenda for Council on Wednesday 15th January 2020, 5.30 pm | Kirklees Council](#)

10 Appendices

Appendix 1 – Revised Statement of Licensing Policy 2025 – 2030

Appendix 2 – Consultation Responses and Council Comments

11 Service Director responsible

Katherine Armitage

Service Director – Environmental Strategy and Climate Change

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