

Runnymede Borough Council

LICENSING COMMITTEE

Tuesday 10 November 2020 at 7.30 p.m.

To be held remotely via MS Teams

**URGENT SUPPLEMENTARY AGENDA**

**PART I**

The Chairman has agreed that this item be admitted to the Agenda as an item of urgent business for the special circumstances and urgency as set out below:

Special Circumstances

The report was not able to be completed by the time of the despatch of the main agenda for this meeting as the public consultation on the Policy only ended the day before the committee meeting and it was felt appropriate to delay despatch of this report until as late as possible to allow for consideration of any consultation replies.

Urgency

To enable the Committee to recommend the Policy to Full Council on 10 December 2020

**LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY (ENVIRONMENTAL SERVICES, ROBERT SMITH)**

**Synopsis of report:**

**To seek approval to re-adopt the Council's current Statement of Licensing Policy, as amended, for the period 7 January 2021 to 6 January 2026.**

**Recommendation:**

**that this Committee approves the amended Statement of Licensing Policy and recommends to Full Council its adoption from 7 January 2021.**

**1. Context of report**

- 1.1 The Council, as the Licensing Authority, is required under section 5 of the Licensing Act 2003 to prepare and publish a Statement of Licensing Policy at least every five years.
- 1.2 The Statement of Licensing Policy (SLP) sets out the approach that the Council will take to exercise its licensing functions.
- 1.3 The Council's current SLP, in its fourth edition, has been in place since 7 January 2015 and requires fresh adoption by the Council prior to 7 January 2021. The draft SLP which is subject of this report was submitted to the last meeting of this Committee in September so has not been reproduced this time in paper form but will be emailed to Members for reference.

## 2. **Report**

- 2.1 The Licensing Act 2003 has been subject to a very few minor legislative changes over the past few years; these have not affected the content of the SLP. The changes reflected within the amended SLP takes into account changes in Government guidance issues under Section 182 of the Licensing Act 2003.
- 2.3 The SLP has served its purpose well over the last 5 years and it is considered that only a few minor amendments and additions are required to bring it up to date. Minor amendments relate to matters such as updating the area profile and grammatical corrections.
- 2.4 The main changes to the SLP are as follows: -
- An Equality Act 2010 statement has been added at 5.2
  - Expectation of planning permission at 17.9 (amended text)
  - Expectation of procedure for prevention of underage sales for alcohol delivery services.
  - Expectations concerning large scale events at 23.

For clarity, the main changes are shown underlined within the draft provided to Members previously and also by the copy being made available as part of the public consultation.

- 2.5 The Act requires that the authority consult on any amended SLP. The consultation period being 30 September to 9 November 2020. As at 6 November 2020, no responses have been received. Should any responses be received between 6 - 9 November, Members will be advised by way of an update during the presentation of this report.
- 2.6 A list of consultees can be seen at page 25 of the SLP. Along with the statutory bodies, consultation also included other parties such as premises licence holders, the licensing trade and industry, the Local Government Association (LGA), neighbouring authorities and local chambers of commerce. As well printed versions being placed in libraries, we would provide a printed copy for persons who were unable to access these, for example due to the shielding or local lockdown. The consultation was also made public by being placed on Runnymede's website and social media platforms.

## 3. **Policy framework implications**

- 3.1 There have been no legal challenges to the existing policy and it is generally considered that it has served its purpose well.
- 3.2 The amended policy conforms to changes in legislation and guidance.

## 4. **Resource implications**

- 4.1 The financial implications associated with the amended policy are limited to staff costs and those concerned with consultation.

## 5. **Legal implications**

- 5.1 The Statement of Licensing Policy sets out the approach the Council will take in exercising its licensing functions. The Council is required by section 4 of the act, to have regard to its policy, when exercising any of its licensing functions. This includes the determination of applications for new licences and reviews of existing licences.

- 5.2 The amended policy, if approved by this Committee, will then need to be adopted at the next meeting of Full Council on 10 December 2020.

**6. Equality implications**

- 6.1 An updated Equality Impact Screening Assessment has been completed (Appendix B) and is currently with the Council's Equalities Group for assessment. Any amendments they suggest will be considered accordingly and reported to Members verbally at the meeting.

**7. Conclusions**

- 7.1 The amended version of the policy makes the authority's approach to promoting the licensing objectives clear with a view to demonstrating best practice and working with premises and licence holders to enhance the area and continue to make Runnymede a safe and attractive place to live or work.

**(To recommend)**

**Background papers**

**Licensing Act 2003**

<mailto:https://www.legislation.gov.uk/ukpga/2003/17/contents>

**Guidance issued under section 182 of the Licensing Act 2003**

<mailto:https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

## EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Statement of Licensing Policy - The Licensing Act 2003	Robert Smith

**A. What is the aim of this policy, function or activity?** Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

Licensing authorities are required by the Licensing Act 2003 to publish a statement of the principles that they will apply when exercising their functions under the Act. The statement must be reviewed and published on a regular basis, and any amendments must be consulted on before publication. The Policy is currently out to consultation.

The purpose of Runnymede's Licensing Policy is to ensure all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the Council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community. Runnymede Council must, as the Licensing Authority, have regard to the licensing objectives as set out in section 1 of the Act. These are;

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

This policy will ensure the Council's conditions and requirements are transparent, easily understood and unambiguous. Those in the trade will be able to clearly see the reasoning behind any conditions or requirements and the public will be better protected by a comprehensive enforceable conditions on a licence.

**B. . Is this policy, function or activity relevant to equality?** Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential on the basis of adverse impacts or unlawful discrimination.

The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership. This revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of opportunities for all.

With regard to the protected characteristic of 'age'.

The policy actively encourages licenced premises to promote the 'no sale of alcohol' to those under 18 by ID checks and as an additional safeguard promotes the use of challenge 21/25.

Any premises identified as a potential risk for Child Sexual Exploitation will be subject to multi agency action and licences can be revoked if necessary, to ensure the protection of vulnerable persons.

If the policy, function, or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics, then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

**C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion?** Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

The Policy and functions carried out in pursuance of this policy do not require a Full Impact Assessment. The basis for this decision is as follows;

The statement of Licensing Policy sets out the guidelines for anyone wishing to apply for or hold a premises licence in Runnymede.

All applications are dealt with on a case by case basis and the aim of the policy is to ensure the safe sale of alcohol while upholding the licensing objective to protect children from harm.

Much of the policy has been in practice previously, and it is considered a full impact assessment is not required based on the day to day implementation of those parts of the policy.

This screening assessment will need to be referred to the Equality Group for challenge before sign-off.

Date completed:

Sign-off by senior manager: