

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – CSLCC05 23/24

Decision				
1	Title of decision: Authorisation to consult on the draft Statement of Licensing Policy 2024 to 2029 following the statutory 5-year review.			
2	Decision maker: Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria)			
3	Report author and contact details: Katharine O'Connor (Environmental Health, Food Safety, Service Manager). katharine.o'connor@plymouth.gov.uk. 01752 304142.			
4	Decision to be taken: Approval of the draft Licensing Act 2003 - Statement of Licensing Policy for consultation. Closing date for responses will be Friday 15 December 2023.			
5	Reasons for decision: The Statement of Licensing Policy is a framework policy and as such, Cabinet Member approval is required prior to the commencement of public consultation.			
6	Alternative options considered and rejected: None available – this is required under the Plymouth City Council Constitution and a five-year review is a statutory requirement under the Licensing Act 2003.			
7	Financial implications and risks: There are no financial implications arising from this report or the proposed consultation. The work on the revision of the Statement of Licensing Policy has been undertaken within the current resources of the Licensing Service.			
8	Is the decision a Key Decision? (Please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new

				commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>This report also links to the delivery of the City and Council priorities. In particular:</p> <p>Working with the Police to tackle crime and anti-social behaviour:</p> <p>The Policy provides the framework by which the Licensing Authority and the Police can promote and ensure that the licensing objectives are met and alcohol related crime is reduced. The licensing objectives are are:</p> <ul style="list-style-type: none"> - Prevention of Crime and disorder - Promotion of public safety - Prevention of nuisance - Protection of children from harm <p>Keeping children, adults, and communities safe:</p> <p>The Policy provides the framework that regulates the sale of alcohol, provision of certain entertainment and late-night refreshment thereby ensuring Plymouth is a friendly, welcoming city, making sure people feel safe in the city, protecting children, young people and adults.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	None		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			

I2b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	x	(If no go to section I4)
I3b	Which portfolio is affected by the decision?			
I3c	Date Cabinet member consulted			
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
I5	Which Corporate Management Team member has been consulted?	Name	Dr Ruth Harrell	
		Job title	Director of Public Health	
		Date consulted	07/11/2023	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS 72 23/24	
		Finance (mandatory)	HLS071123	
		Legal (mandatory)	IW - 07.11.23 - 2516	
Appendices				
I7	Re f.	Title of appendix		
	A	Draft Statement Of Licensing Policy 2024 - 2029		
	B	Equalities Impact Assessment		
Confidential/exempt information				

18 a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18 b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature			Date of decision			08/11/2023		
Print Name	Councillor Sally Haydon							

Briefing Note

I. Background

- I.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late-night refreshment. This is achieved by the use of a licensing system administered by the Council.
- I.2 The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy (the Policy). The Policy states how the Council will administer applications and regulate licensable activities. It also specifies circumstances where applications may be successful and the measures necessary to promote the licensing objectives.

Any decisions taken regarding refusal of applications or imposition of conditions on a licence must be appropriate to promote the licensing objectives, which are:

- Prevention of Crime and disorder
- Promotion of public safety
- Prevention of nuisance
- Protection of children from harm

- I.3 The current Licensing Policy was adopted in March 2019 and must be reviewed at least every 5 years.
- I.4 The changes to the Licensing Policy follow [Revised Guidance issued under section 182 of the Licensing Act 2003](#) in August 2023. The main changes in the guidance reflected in the Policy are summarised below:

1. Amendments to reflect changes for premises providing ‘alcohol delivery services.’ Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule.
This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (Section 3.10 of Statutory Guidance, Paragraph 5.55 of the Policy).
2. Amendments to reflect changes in the entitlement to work in the UK for EEA citizens (Section 4.21 of Statutory Guidance, Paragraph 8.1 of the Policy)
Removal of Annex A documents from the Policy which demonstrate an applicant’s entitlement to work in the UK.
3. Clarification that Home Office Immigration Enforcement are not a responsible authority for club premises certificates (Section 6.11 of Statutory Guidance, Appendix I of the Policy)

4. Insertion of new section to reflect increase in limits to Temporary Event Notice (TENs) thresholds (Section 7.15 of Statutory Guidance, Paragraph 8.30 of the Policy)
5. Clarification of rights of appeal in respect of late TENs following objection by the police or Environmental Health Officers (Section 7.34 of Statutory Guidance, Paragraph 8.36 of the Policy)
6. Clarification that full variations of premises licences should not be used to "vary substantially the premises to which the licence relates" (Section 8.76 of Statutory Guidance, Paragraph 8.8 of the Policy)
7. Addition of information detailing the Licensing Authority's support of the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink, through the Community Alcohol Partnership (Paragraph 2.14 of the Policy)
8. Cumulative Impact Policy (CIP) – The Policy references and signposts readers to the CIP, which was last reviewed at the end of 2022. The CIP is now a stand-alone policy – it does not form part of the Statement of Licensing Policy (Paragraph 2.23 of the Policy)
9. Reference to the "Agent of Change Principle" whereby existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, Paragraph 3.6 of the Policy)
10. Reference to the yet to be enacted legislation, the Terrorism (Protection of Premises) Bill, which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at of public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (Annex of the Statutory Guidance, Paragraph 5.83 of the Policy)
11. Updated list of Pool of Conditions (Paragraph 7.3 of the Policy)

1.5 It is intended that the public consultation on the Policy will be open for four weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- Citizen's Advice Bureau
- Safer Plymouth
- Devon and Cornwall and Somerset Constabulary
- Plymouth City Council Adult Social Care
- Plymouth City Council Children's Social Care
- Plymouth City Council Planning Services
- Office of Director of Public Health
- Plymouth City Council Environmental Health Service
- Devon & Somerset Fire and Rescue Service
- Local Chambers of Commerce and Federation of Small businesses
- Representatives of local faith groups
- Local residents' groups

- Representatives of existing licence-holders
- Voluntary and Community Organisations working with children and young people
- Ward Councillors

1.6 Once the consultation exercise has concluded and any responses, observations or comments considered. The final version of the draft Policy will then go before City Council for approval on 29 January 2024.