

## **APPENDIX A: STATEMENT OF LICENSING POLICY 2024 - 2029**

### **I. BACKGROUND**

1.1 The Licensing Act 2003 requires the Licensing Authority to detail how it intends to operate and promote the licensing objectives set out in the Act by publishing a Statement of Licensing Policy. The four licensing objectives are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

1.2 The policy sets out the principles the Licensing Authority will apply when carrying out statutory licensing duties. It details how licenced premises should operate. It informs decisions on whether to issue a licence and which conditions may be appropriate to attach to the licence.

1.3 All applicants for premises licences or club premises certificates in Plymouth are expected to have regard to the Statement of Licensing Policy and the pool of Model Conditions when preparing their operating schedules. The policy sets out a framework of what is expected from applicants and also assists them in completing their operating schedule.

1.3 The Licensing Authority must determine and publish a Statement of Licensing Policy at least every five years. The existing Statement of Licensing Policy was published in March 2019 and must be updated before 31 March 2024.

1.4 The updates contained in this version of the policy reflect changes in the statutory guidance, issued in August 2023. There are no significant changes required at this time.

1.5 Whilst this policy must be reviewed every five years, the Licensing Authority must have regard to the guidance issued by the Home Office and keep its Licensing Policy Statement under review and revised as appropriate. Any proposed changes to the statement of licensing policy will be subject to a full public consultation.

### **2. PROPOSED CHANGES**

2.1 A number of updates have been made to the policy to ensure the policy is fit for our City and to follow the Revised Guidance issued under section 182 of the Licensing Act 2003 in August 2023.

2.2 The main changes in the guidance reflected in the Policy are summarised below:

1. Amendments to reflect changes for premises providing 'alcohol delivery services'.
2. Amendments to reflect changes in the entitlement to work in the UK for EEA citizens.
3. Clarification that Home Office Immigration Enforcement are not a responsible authority for club premises certificates.
4. Insertion of new section to reflect increase in limits to Temporary Event Notice (TENs) thresholds.
5. Clarification of rights of appeal in respect of late TENs following objection by the police or Environmental Health.
6. Clarification that full variations of premises licences should not be used to "vary substantially the premises to which the licence relates".
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 (CAP)
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.

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.
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.
11. Updated list of Pool of Conditions.

### 3. CONSULTATION PROCESS

3.1 The Licensing Act 2003 states that before determining its policy a Licensing Authority must consult:

- The chief officer of police
- The Fire Authority
- Local Health Board
- Office of the Director of Public Health
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by the authority.
- Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by the authority.
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

3.2 A four-week public consultation exercise was undertaken between 16 November 2023 and 15 December 2023. Letters were sent to all premises holding either a ‘premises licence’ or club premises certificate’ and personal licence holders advising them of the consultation. A similar letter was sent to the Resident / Community groups and faith groups for which contact details were available. Details of the consultation were posted on our webpages. A total of approximately four thousand people or groups were contacted directly by letter. In addition, the responsible authorities were consulted (Police, Child Protection, Fire and Rescue Service, Trading Standards, Environmental Health, Public Health, Planning Authority, HSE, Maritime & Coastguard Agency and the Home Office).

3.3 A total of seven responses were received as a result of the consultation process. The written responses are contained in the table below:

No.	Consultee type	Supportive of the draft Statement of Policy?	Any changes required?	Comments
1	Personal Licence Holder	Yes	No	It is good that licensee people have this in place as people can get away with stuff and it should be stopped and people get punished correctly for their actions
2	Premises Licence Holder	Yes	No	
3	Premises Licence Holder	Yes	No	Seems that there are no changes for our operation

4	Premises Licence Holder	Yes		
5	Premises Licence Holder	Yes	No	No real changes to last one
6	Personal Licence Holder	Yes	No	No significant changes
7	Stakeholder	Yes	No	Looks very comprehensive – I do not think I have anything to add

#### 4. CONCLUSION

4.1 The statutory guidance updates have been included in the proposed policy. There are no other significant changes required at this time.