

#### 8. Licensing Act 2003 Statement of Policy

Ian Cullen, Licensing Team Leader presented a report to update the Licensing Committee on the result of the consultation of the Statement of Licensing Policy under the Licensing Act 2003. During consideration of the report, the following points were noted:

- The Licensing Act 2003 required that the Licensing Authority published its Statement of Licensing Policy at least every five years
- The current Statement of Licensing Policy came into effect in October 2019 and under current legislation, was due for revision by October 2024
- Core to the Licensing Act were the four main licensing objectives, as detailed at paragraph 3.2 of the report
- The draft Policy, attached at Appendix A to the report, was forwarded to a total of 83 persons/organisations and to every member of the Licensing Committee. The Policy was also published on the Council's website.
- The list of persons consulted was deliberately wide which enabled the Licensing Authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise had an interest in the policy
- A working group was formed from members of the Licensing Committee which had steered the draft policy through its consultation and final drafting
- The consultation period commenced on 12 July 2024 and ended on the 19 August 2024. A total of 5 responses were received which were considered by the working group who met on 20 August 2024
- Responses received included the Portman Group, the City of Lincoln Council Planning Department, the University of Lincoln Students' Union and Lincolnshire Police, all of which were included as appendices to the report.
- All consultation responses had been followed up and amendments made to the draft policy as necessary
- The cost of the consultation and printing of the Policy would be contained within the licensing budget
- The legal implication was that in order for the Licensing Authority to carry out its licensing function, it was a statutory obligation to have a licensing policy that was valid
- The Licensing Committee were requested to note the contents of the report and approve the draft policy with a recommendation for progression to Council for formal adoption

The Chair thanked Ian Cullen for a thorough report and verbal explanation. The Licensing Team Leader welcomed comments and questions from Members of the Committee. As a result of discussions between Members, the following points were made: -

**Question:** How was it ensured that a wide range of stakeholders were consulted as part of the consultation exercise, including those beyond the mandatory group/s?

**Response:** The draft policy was published on the Council's website which invited members of the public with an interest to read and comment on the policy. Licensing Officers used a list which comprised of key stakeholders within the trade, local groups, members of the Committee and various departments within Lincolnshire County Council to send the draft policy to. Consideration was given to individuals and organisations who would be potentially affected by the licensing policy.

**Question:** Further contextual information requested in relation to section 6 of the Draft Policy entitled 'Cumulative Impact'. Was the issue of 'need' for the market to decide? Were the lines between Planning and Licensing blurred?

**Response:** Planning and Licensing were separate regimes. Casino's fell under the Gambling Act 2005 and not the Licensing Act 2003. Licensing was a narrow field as it was underpinned by the four licensing objectives. When an application was received under the Licensing Act, there was an expectation that the application be granted if there were no objections received. The process relied on 'representations' to trigger it to be considered by the Licensing Committee. There were no cumulative impact areas presently and statistics showed that there were no specific issues or disorder. If an application was to be received within a cumulative impact area, the expectation would be that the application would be rejected. It would be necessary for the applicant to satisfactorily demonstrate that if granted, the cumulative impact area would not be affected. It was necessary for sufficient evidence to be submitted to demonstrate how the application affected the cumulative impact area.

**Question:** Would a gambling site be affected by the draft policy?

**Response:** There were gambling premises that were permitted to serve alcohol such as Bingo Halls however adult gaming centres were not permitted to serve alcohol and as such, strictly fell under the Gambling Act 2005. An application could not be rejected based on material considerations. It was necessary to be judged on the four licensing objectives.

**Question:** It was positive that Lincolnshire Police were satisfied with the amendments made to the draft policy. Were other organisations that responded as part of the consultation exercise also satisfied?

**Response:** Feedback and thanks had been offered to all organisations that had responded to the consultation. Officers carefully considered all comments received and made relevant and necessary amendments. No comments or amendment suggestions had been refused.

**RESOLVED** that the draft policy be supported by Members and progressed to Council for formal adoption.