



Author/Lead Officer of Report: Claire Bower

Tel: 0114 2930209

**Report of:** *Laraine Manley*  
**Report to:** *Cabinet*  
**Date of Decision:** *18<sup>th</sup> November 2020*  
**Subject:** *Statement of Licensing Policy Approval Report*

Is this a Key Decision? If Yes, reason Key Decision:- Yes  No   
- Expenditure and/or savings over £500,000   
- Affects 2 or more Wards

Which Cabinet Member Portfolio does this relate to? *Place*

Which Scrutiny and Policy Development Committee does this relate to? *Licensing Committee*

Has an Equality Impact Assessment (EIA) been undertaken? Yes  No   
If YES, what EIA reference number has it been given? *546*

Does the report contain confidential or exempt information? Yes  No   
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."*

**Purpose of Report:**

The report sets out the details of the revised Statement of Licensing Policy to be published under the 2003 Act and details the consultation process that has been undertaken.

The report seeks approval of the document and refers to Full Council.

**Recommendations:**

That Cabinet approve the Statement of Licensing Policy for referral to Full Council in December 2020.

**Background Papers:**

Draft Statement of Licensing Policy

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Chloe Parker</i>
	Legal: <i>David Hollis</i>
	Equalities: <i>Annemarie Johnston</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>Laraine Manley</i>
3	<b>Cabinet Member consulted:</b> <i>Robert Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Claire Bower</i>
	<b>Job Title:</b> <i>Licensing Strategy and Policy Officer</i>
<b>Date:</b> <i>9/11/2020</i>	

## **1. PROPOSAL**

1.1 The proposed Statement of Licensing Policy conveys how Sheffield's Licensing Authority proposes to deal with licence applications under the Licensing Act 2003 for the following licensable activities:

- the sale and supply of alcohol
- the provision of regulated entertainment and
- the provision of late night refreshment.

1.2 The Licensing Act 2003 states at Section 5 (1):

“Each licensing authority must in respect of each five-year period –  
(a) Determine its policy with respect to the exercise of its licensing functions, and  
(b) Publish a statement of that policy before the beginning of the period.”

1.3 This report is to seek approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refer the matter to Full Council for determination.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

2.1 The Statement of Licensing Policy will assist the Licensing Service in administering and enforcing the Licensing Act system in accordance with the promotion of the four statutory licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

All four objectives must be addressed when licensing functions are undertaken, and they provide the foundation for all the decisions made by the licensing authority.

2.2 It will provide developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a clear and concise reference document to assist them in understanding the Licensing Act process in the city and assist them to become a successful part of the city's economy.

2.3 The Statement of Licensing Policy will support the wider strategies within the Council and assist the overall vision for the city to be successfully and safely delivered to all who live, work, study and enjoy Sheffield as a whole.

### **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 All responsible authorities under the Act and relevant internal partners were consulted with prior to the 12-week formal consultation in order to ensure the final consultation draft was as comprehensive and currently relevant as possible.

The formal consultation period began on 20<sup>th</sup> April 2020 and concluded on 13<sup>th</sup> July 2020.

3.2 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -

- the chief officer of police for the licensing authority's area;
- the fire authority for that area;
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
- such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
- such persons as the Licensing Authority considers to be representative of businesses and residents in its area.

3.3 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other groups; information was published on the Licensing Service webpages with active links to an online comments form on Citizen Space.

3.4 The Licensing Authority received 31 responses to the consultation and amendments have been made to the draft policy document where it has been deemed appropriate.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality of Opportunity Implications**

4.1.1 There are no adverse equality of opportunity implications arising from this report.

4.1.2 An Equality Impact Assessment has been prepared and retained (ref no. 546).

#### **4.2 Financial and Commercial Implications**

4.2.1 The work on the revision of the Statement of Licensing policy is a statutory duty placed upon us as the Licensing Authority and the work has

been undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and resource implications to the Council arising from this report.

#### 4.3 Legal Implications

4.3.1 Failure to formally review the Statement of Licensing Policy in accordance with Section 5 of the Licensing Act 2003, the Regulations and Associated Guidance would mean that the Council would not be able to comply with its statutory duty and would leave it open to legal challenge.

4.3.2 If the revised document referred to within this report is approved by full Council in December 2020 then the Council, as the Licensing Authority has fulfilled its statutory duties.

### **5. REASONS FOR RECOMMENDATIONS**

5.1 To comply with statutory obligations and in doing so promote the core objectives under the Licensing Act, and positively support the wider Council's Vision to promote a successful, safe and flourishing economy in the City of Sheffield.

### **6 RECOMMENDATIONS**

6.1 That Cabinet approve the Statement of Licensing Policy for referral to Full Council in December 2020.

This page is intentionally left blank