



**Report to: Licensing and Environmental Health Committee, 11 Dec 2023**

**Report of: The Head of Worcestershire Regulatory Services on behalf of Worcester City Council**

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**Subject: LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY**

**1. Recommendation**

**That Committee:**

- 1.1 Note the contents of the report and in particular the requirement for the Council to publish its Statement of Licensing Policy at least every 5 years, the last being published in October 2019**
- 1.2 Approve the draft revised Statement of Licensing Policy (2024 – 2029) shown at Appendix 1, for the purpose of an 8-week public consultation**
- 1.3 Note that the results of the consultation exercise will be presented back to this Committee in March 2024.**

**2. Background**

- 2.1 Worcester City Council is a Licensing Authority in accordance with the provision of the Licensing Act 2003. In accordance with these provisions, the Council is required to determine and publish a Statement of Licensing Policy at least every five years.
- 2.2 The Statement of Licensing Policy sets out the principles the Council applies when carrying out its statutory licensing duties. The policy details how licenced premises should operate and informs the Council's decision on whether to issue a licence and on what conditions, with the aim of to promoting the four licensing objectives as set out in the Licensing Act 2003:
  - prevention of crime and disorder
  - public safety
  - prevention of public nuisance
  - protection of children from harm
- 2.3 The policy seeks to balance the interests of business and residents to make sure that Worcester continues to offer a wide choice of high quality and well managed hospitality, entertainment and cultural venues within an environment that is safe and attractive to residents, business, and visitors.
- 2.4 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years. The Council's current Statement of Licensing

Policy took effect in 2019, which means that a new Statement of licensing policy must therefore be reviewed and published in 2024.

- 2.5 In line with the above, officers have reviewed the current policy and prepared a draft revised statement of licensing policy which contains several amendments and introduced new additional sections to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect.
- 2.6 A draft revised Statement of Licensing Policy can be seen at **Appendix 1**. The changes and additional sections which have been added to the policy are highlighted in red, with full details of these changes and additions also summarised in a table shown at **Appendix 2**.
- 2.7 The draft revised policy is based on the same template as the existing policy, which all the Statements of Licensing Policy across Worcestershire are now based upon.
- 2.8 Due to the minor changes, it is proposed that consultation on the draft revised Statement of Licensing Policy will take place over an 8-week period and will include direct consultation with all relevant parties including:
- The Chief Officer of West Mercia Police
  - Hereford and Worcester Fire and Rescue Services
  - Worcestershire County Council (Public Health)
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - City Councillors
- 2.9 The consultation will also be made available for comment via the Council's website, publicised via social media and through the local press. Given the number of changes being proposed to the Council's existing Statement of Licensing Policy, it is proposed that consultation take place over a period of 8 weeks.
- 2.10 Any responses received during the consultation exercise will be reported back to the Licensing and Environmental Health Committee for consideration, prior to the approval and adoption of the policy.

### **3. Preferred Option**

- 3.1 The preferred option being put forward is for Members to approve the draft revised Statement of Licensing Policy attached at Appendix 1, for the purpose of an 8-week consultation with relevant stakeholders.

The results of the consultation will then be brought back to the Committee for consideration before the draft revised Statement of Licensing Policy is finalised and approved.

### **4. Alternative Options Considered**

- 4.1 As there is a legal requirement for the licensing authority to review, consult and republish their Statement of Licensing Policy every five years, there are no alternative options to be considered in respect of this report.

## **5. Implications**

### Financial and Budgetary Implications

- 5.1 The costs involved in carrying out the consultation will be met from existing budgets held by Worcestershire Regulatory Services.

### Legal and Governance Implications

- 5.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. This policy forms an essential part of the decision-making process for licensing applications.
- 5.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 5.4 When revising its Statement of Licensing Policy, the Council is required to consult with:
- the chief officer of police for the authority's area
  - the fire and rescue authority for that area
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's 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 other persons as the licensing authority considers to be representative of businesses and residents in its area

### Risk Implications

- 5.5 Failing to prepare and publish a new Statement of Licensing Policy would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

### Corporate/Policy Implications

- 5.6 All policies approved by Worcester City Council comply with the Regulators Code. The regulators Code seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.
- 5.7 The draft revised policy links in to the to the current Worcester City Plan 2022 -2027 as follows:
- Stronger and connected communities – Ensuring that communities understand how they can be involved in licensing by explaining how they can have their say on not only new premises licence applications, but also existing licences which have already been granted.
  - A Prosperous City - Supporting businesses through the licensing process, by helping them to understand their responsibilities, this will enable them to prosper, and positivity add to the city's diverse hospitality offering.

### Equality Implications

- 5.8 In its consideration of this report and its recommendations, the Council must have due regard to public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 5.9 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.10 The draft Revised Statement of Licensing Policy includes an updated section on Equalities which aims to provide information to applicants, licence holders and the public on how the Council will seek to fulfil their duties under the Equality Act 2010 and to try and help others to fulfil their own such duties.
- 5.11 The draft Revised Statement of Licensing Policy also identifies and enhances additional safeguarding responsibility towards females and other vulnerable groups.
- 5.12 Officers having assessed the above, conclude that the proposed draft Revised Statement of Licensing Policy does not adversely impact or unlawfully discriminate against any protected characteristics.

### Human Resources Implications

- 5.13 No human resource implications have been identified.

### Health and Safety Implications

- 5.14 No Health and Safety Implications have been identified.

### Social, Environmental and Economic Implications

- 5.15 The Statement of Licensing Policy aims to balance the social and economic benefits of licensable activities against the potential adverse environmental implications, such as public nuisance.

**Ward(s):** All

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**Background Papers:** Licensing Act 2003  
Guidance issued under S182 of the Licensing Act 2003.