

Bath & North East Somerset Council		
MEETING	Licensing Committee	
MEETING DATE:	DATE 24 <sup>th</sup> April 2025	
TITLE:	Licensing Act 2003 Review of Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1- Responses to the public consultation with officer recommendations Appendix 2- Proposed Statement of Licensing Policy Appendix 3- Present Statement of Licensing Policy		

## **1 THE ISSUE**

- 1.1 Section 5 of the Licensing Act 2003 ('the Act') requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. During the five-year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.
- 1.2 The adopted 2019 policy has been kept under review during the 5 years since its adoption. Drafting of this proposed policy commenced in 2024, however due to resourcing, it has not been possible until now to get this completed proposed policy before Committee for their consideration.
- 1.3 This proposed policy does not include a Cumulative Impact Area as the 2019 Statement of Licensing policy did. The previous Cumulative Impact Assessment expired in 2022, and opinion is being sought from the Police whether the evidence exists to reintroduce this provision. The future intention is to review both the Cumulative Impact Assessment and the Statement of Licensing Policy on a three year cycle. This will avoid future lapses.
- 1.4 If evidence is forthcoming to support the re-introduction of a Cumulative Impact Area, a further public consultation period will take place prior to formally adopting it by way of revision to this Policy.

- 1.5 The report identifies the findings of a public consultation exercise and provides recommendations to the Licensing Committee prior to the Statement of Licensing Policy being presented to Full Council on 22<sup>nd</sup> May 2025.

## **2 RECOMMENDATIONS**

The Licensing Committee is asked to.

- 2.1 Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.

Recommend the revised Statement of Licensing Policy in Appendix 2 is adopted when it is presented to Full Council on 22<sup>nd</sup> May 2025.

## **3 THE REPORT**

- 3.1 The Council has completed a 12-week public consultation on the review of the Statement of Licensing Policy which it is obliged to do at least every five years.

- 3.2 The Statement of Licensing Policy explains how the Licensing Authority will exercise its licensing functions under the Licensing Act 2003. Central to the Licensing Policy Statement is the promotion of the four key licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

- 3.3 43 Responses were received through the consultation, respondents were asked whether they agreed or not with the consultation draft and were invited to make comment. 17 respondents stated they agreed with the draft; 14 stated they did not know/did not choose to state whether they agreed or not and 12 stated they disagreed. The full consultation commentary and officer response to each is provided in Appendix 1 including a description of the changes made to the final policy.

- 3.4 Following the public consultation and consideration of the responses received, the proposed Statement of Licensing Policy is provided at Appendix 2.

- 3.5 In accordance with section 5 of the Act, the public consultation included the

- 3.6 statutory persons/bodies required.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 The basis for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 There are no financial, property or people implications presented by the adoption of this policy.

5.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which cover costs only, although certain fees are set by statute and cannot be locally set.

## **6 RISK MANAGEMENT**

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

## **7 CLIMATE CHANGE**

7.1 The Licensing Act 2003 and therefore the Statement of Licensing Policy is prescriptive and does not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses (if applicable).

## **8 OTHER OPTIONS CONSIDERED**

8.1 None.

## **9 CONSULTATION**

9.1 Advice has been sought from the Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

9.2 A 12-week public consultation process has been carried out involving the following groups:

- All statutory consultees as required by section 5 of the Licensing Act 2003,
- persons/bodies representative of local holders of premises licences,
- All club premises certificates and personal licences holders,
- All Premises Licence holders,
- All Councillors, Parish and Town councils,
- Residents Associations,
- Licensing Agents
- Further Education Institutions
- West of England Mayoral Combined Authority

<b>Contact person</b>	Mike Dando – 01225 477946
<b>Background papers</b>	<a href="https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+1.pdf">https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+1.pdf</a>
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