



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
LICENSING COMMITTEE
16 JULY 2024

STATEMENT OF LICENSING POLICY 2024 TO 2029

1. PURPOSE OF THE REPORT

- 1.1 Maldon District Council (the Council) as a Licensing Authority under the Licensing Act 2003 (as amended) (the Act) is required to publish a Statement of Licensing Policy (the Policy). This document outlines the Council's general approach to upholding the licensing objectives when making decisions on applications under the Act. The Council's existing Policy was published in January 2019 with an intended operational lifespan of five years. Consequently, the Policy is now outdated and requires review and renewal.
- 1.2 Officers have undertaken a comprehensive review of the existing Policy and made appropriate changes to ensure that it takes account of current best practice and updated statutory guidance. A draft version of this new Policy is set out in **APPENDIX A** of this report.
- 1.3 The Committee is asked to consider the draft policy and agree the method of consultation with the public and relevant stakeholders.

2. RECOMMENDATIONS

- (i) That the Committee agrees the revised Statement of Licensing Policy as set out in **APPENDIX A** as a 'consultation draft';
- (ii) That the Committee agrees for Officers to commence consultation with the public and key stakeholders for a period of 6 weeks (as outlined in this report);
- (iii) That the Committee agree that subject to only minor or inconsequential amendments/ changes arising from comments or feedback received during the consultation process, that the Head of Environmental Health, Waste and Climate Action in consultation with the Chairperson of the Committee, be authorised to make such changes to the Policy draft in **APPENDIX A**;
- (iv) That subject to (i) – (iii) above the revised Statement of Licensing Policy be presented to the Council for adoption.

3. SUMMARY OF KEY ISSUES

- 3.1 The Licensing Act 2003 (the Act) requires that each licensing authority publish a Statement of Licensing Policy. The Policy may remain in force for up to five years.

- 3.2 The Policy outlines the Council's general approach to upholding the four key licensing objectives of:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 3.2.1 These objectives guide the Council in determining applications or imposing conditions on licences or certificates issued under the Act.
- 3.3 The Council's existing Policy was published in January 2019 and therefore had an effective operational end date of January 2024. Consequently, the Policy is now out of date and urgent action is required to ensure the Council remains compliant with existing laws and regulations whilst preventing / mitigating any legal complications.
- 3.4 Officers have conducted a comprehensive review of the Policy to ensure it meets current guidance and best practice. Whilst officers have made numerous minor changes to the previous version of the Policy, it remains substantially the same in context, scope, and remit.
- 3.5 For the Committee's awareness changes have been made in the following areas of the Policy:
- 3.5.1 **Section 16** has been added to allow the Licensing Committee to depart from the Policy where there is considered sufficient reason to do so for the purposes of achieving the licensing objectives.
- 3.5.2 **Section 53** has been updated to clarify that where a representation from the Police or Environmental Health is received to a late Temporary Event Notification, that a counter notice will be issued and the event cannot take place.
- 3.5.3 In response to changes in the statutory guidance, Officers have added a section titled 'Counter Terrorism and Public Safety'. This new section outlines an applicant's duties in relation to high profile, large premises or large events.
- 3.5.4 **Section 104** of the Policy has been updated to include an expanded list of potential controls for the prevention of public nuisance.
- 3.6 The Committee is invited to review the revised Policy in **APPENDIX A** and agree for Officers to undertake a 6-week consultation to include the following statutory stakeholders:
- The Chief Officer for Essex Police
 - Essex County Fire and Rescue Authority
 - Representatives of holders of premises licences issued by the Council.
 - Representatives of holders of club premises certificates issued by the Council.
 - Representatives of holders of personal licences issued by the Council.
 - Representatives of businesses and residents
- 3.7 Additionally, officers intend to consult:
- Maldon District Councillors

- All Parish and Town Councils
- Relevant Essex County Councillors
- Relevant Members of Parliament
- Citizens Advice Bureau
- Essex Chamber of Commerce
- Essex County Council
 - Trading Standards
 - Social Services
 - Public Health
- Departments at Maldon District Council:
 - Environmental Health
 - Planning Services
 - Economic Development
 - Communications Team
 - Community Safety
- Association of Licenced Multiple Retailers
- British Amusement & Catering Trades Association
- British Beer and Pub Association
- British Institute of Innkeeping
- Federation of Licensed Victuallers
- Security Industry Authority

3.8 Consultation will be undertaken by a combination of direct mail/ emails to stakeholders and by placing details on the Council's website.

3.9 After the 6-week period, officers will review consultation responses. If comments received are inconsequential in their nature (i.e. do not materially change the meaning or scope of the draft policy) then officers would request that the Head of Service for Environmental Health Waste and Climate Action be authorised to make any necessary changes and that the Assistant Director for Service Delivery (Place & Community) be given delegated authority to progress the amended draft Policy to Council for decision.

3.10 Should the Council receive comments of a material nature, a further report will be made to this committee with an updated draft of the policy for consideration and to recommend adoption of the Policy to the Council.

4. CONCLUSION

4.1 The Council's Statement of Licensing Policy has expired and requires urgent renewal. Officers have conducted an in-depth and systematic review of the existing policy, making appropriate changes to ensure that the draft Policy (in **APPENDIX A**) reflects changes to guidance and current best practice. Officers are requesting permission to undertake a consultation involving a wide range of stakeholders (outlined in paragraphs 3.6 and 3.7) for a period of 6-weeks. Subject to minor / inconsequential comments resulting from the consultation, officers are seeking delegated authority to progress the draft to the Council for consideration, and if

agreed, adoption. Should material changes arise from the consultation period a further report will be made to the Licensing Committee.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Supporting our communities

5.1.1 The Statement of Licensing Policy provides transparency of process to both applicants and stakeholders. It sets out our commitments to achieving the 4 licensing objectives of; prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm.

5.2 Enhancing and connecting our place

5.2.1 Well managed licensed premises can help support this ambition by providing opportunities for people to come together and socialise.

5.3 Helping the economy to thrive

5.3.1 Licensed Premises are a key feature in a thriving local economy. This policy helps promote diversity in licenced premises and ensures that decisions are made on a clear and consistent basis.

5.4 Smarter finances

5.4.1 A sound Statement of Licensing Policy helps ensure that decision making is robust and consistent. This in turn helps mitigate the risks associated with legal challenges and associated costs.

5.5 A greener future

5.5.1 Whilst environmental concerns are not one of the four licensing objectives it can be linked to public nuisance. Consequently, this policy enables the Council to address concerns with litter, artificial light or noise associated with licensed premises.

5.6 Provide good quality services.

5.6.1 The Council is legally required to maintain an up-to-date Statement of Licensing Policy.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – It is important that the Council periodically review its Statement of Licensing Policy to ensure that it is compliant with relevant legislation. This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-

making processes that will be followed when determining a licence reducing the risk to the Council of challenge and/ or appeal.

- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this policy.
- (v) **Impact on Resources (human)** – There is limited/ minimal impact.

Background Papers:

- **APPENDIX A** - Maldon District Council's Statement of Licensing Policy 2024-2029 (DRAFT)
- [Licensing Act 2003 \(As amended\)](#)
- [Licensing Act 2003: statutory guidance](#)

Enquiries to:

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