

Licensing Committee report



13 June 2023

CONSIDERATION OF STATEMENT OF LICENSING POLICY 2023/2028 (LICENSING ACT 2003)

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

The Council is legally required to have and review a Policy document in respect of its role as Licensing Authority under the Licensing Act 2003. This covers the system of licensing of premises and individuals involved in selling alcohol, providing entertainment and supplying late night refreshment. Our current policy is due for statutory periodic revision. This report provides an updated statement following consultation for endorsement by the Committee.

1. Proposed Decision

1.1 That the draft statement, attached at **Annex A**, be endorsed and recommend that it be adopted by Council at its next appropriate meeting.

2. Why is the Decision Needed?

2.1 The legal requirement is that this policy statement is reviewed at least every five years. Our last comprehensive review was in June 2018.

2.2 The scheme of delegation in place requires that the Policy is referred to the Licensing Committee as the Licensing Authority prior to adoption at full Council.

Process

- 2.3 The existing statement has been reviewed against the statutory requirements detailed in the Licensing Act as well as statutory guidance. The policy has also been reviewed for accuracy and to provide updated information where appropriate. Some paragraphs of duplicate or unnecessary detail were identified to be removed. A draft revised statement was produced March 2023 and has been subject to a prescribed consultation process with stakeholders.
- 2.4 Since the statement was last formally reviewed in 2018 there has been no significant change to the primary legislation or its regulations, but some additional statutory guidance is available. The draft statement accounts for this.
- 2.5 Stakeholders consulted included Councillors; Town and Parish Councils; Responsible Authorities under the Act; those representing licensed persons and premises in Milton Keynes and others as detailed in **Annex B**. This includes several Council services with a potential interest in the licensing objectives as well as organisations and services representing the community.
- 2.6 The consultation ran for nine weeks and resulted in responses as summarised in **Annex C**. Responses have been considered and any justified changes as a result have been made to a final draft statement produced at **Annex A**. All proposed changes are shown in italic bold text to differentiate from the existing statement. An overall chronological list of all changes is provided on page 2 of **Annex A**. A specific response as a consultee from MK Fawcett is included at **Annex D**. An Equalities Impact Assessment is included at **Annex E** although the proposed changes to policy and decision are not considered significant in regard to equality issues as they seek to promote outcomes.

3. Implications of the Decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

None.

(b) Legal Implications

The implications of not reviewing our Policy is that the Council will be in breach of Section 5 of the Licensing Act 2003. Further, our existing policy could be challenged as out of date when we rely on it to make decisions. The provisions of the Council's policy show how the Council will use its powers under the relevant legislation and apply the various

tests within those enactments. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.

(c) Other Implications

Any part of our policy is open to challenge and needs to be seen to be reasonable and attributable. A policy that has been compiled in accordance with the legislation and guidance provides a robust document upon which the Council can rely on terms of the decisions that it makes.

4. Alternatives

4.1 The Committee could choose to require further work be undertaken and another report be provided in due course with a revised statement. Our current policy would remain in place until that time and provide guidance in the meantime.

5. Timetable for Implementation

5.1 If endorsed by Committee the proposed revised policy would go forward to full Council for adoption in due course.

List of Annexes

Annex A	Revised Statement of Licensing Policy 2023/28
Annex B	List of Consultees
Annex C	Summary of Responses received following consultation
Annex D	Specific response to consultation from MK Fawcett
Annex E	Equalities Impact Assessment

List of Background Papers

The Councils existing Statement of Policy

<https://www.milton-keynes.gov.uk/sites/default/files/2022-01/Milton%20Keynes%20Council%20Adopted%20Licensing%20Policy%20Statement%202020-20.pdf>