

**Title: Licensing Act 2003 – Licensing Authority Statement of Licensing Policy – Five Year Revision**

Committee: Licensing Committee

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## **1.0 Issue**

- 1.1 To approve the draft revised version of the Council's Statement of Licensing Policy

## **2.0 Recommendations**

- 2.1 That Members approve the draft version of the Statement of Licensing Policy at **Appendix 1**.
- 2.2 That Members agree to a statutory public consultation taking place on the draft Statement of Principles for Licensing from 21 June 2025 to 1 August 2025 in accordance with the Licensing Act 2003.

## **3.0 Background/Options**

- 3.1 The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:
- a. The prevention of crime and disorder
  - b. Public safety
  - c. The prevention of public nuisance
  - d. The protection of children from harm
- 3.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act.
- 3.3 During the five-year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.

- 3.4 The Guidance issued under the Licensing Act states that before determining its policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
  - the fire authority for the area;
  - persons/bodies representative of premises licences issued by the Council;
  - persons/bodies representative of club premises certificates issued by the Council;
  - persons/bodies representative of personal licences issued by the Council; and
  - persons/bodies representative of businesses and residents in its area.
- 3.5 The policy must be approved by full Council prior to its coming into force on 7 January 2026.
- 3.6 The current policy has been in force since 7 January 2021 and it has proved to be very satisfactory at guiding applicants, officers, and more importantly, the Licensing Committee, in the consideration and determination of applications. Due to this it has not been seen as necessary to make major changes to the policy at this point in time, and therefore, the changes are based around reflecting a number of legislative changes that have occurred since 7 January 2021. The following table highlights these changes:

#### Key Changes

Paragraph	Explanation
1.17A	Promotion of Equality, paragraph introduced to set out the Council's commitment to equality matters.
2.08 to 2.11	Other relevant matters, paragraphs introduced to provide more information on associated regulated activities.
5.4	Counter terrorism and public safety, paragraph introduced to set out the new requirements of the Terrorism (Protection of Premises) Act 2025.
Appendix 1	Scheme of delegation, introduced to provide transparency.

- 3.7 The Statement of Licensing Policy attached at **Appendix 1** has been drafted in line with the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 issued in February 2025.
- 3.8 The results of the consultation exercise will be brought back to Licensing Committee on 10 September 2025 and then referred to Council on 16 October 2025 for approval to come into force on 7 January 2026.

## 4.0 Arguments/Conclusions

- 4.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies.

- 4.2 Guidance to Licensing Authorities, issued under Section 182 of the Licensing Act 2003 by the Home Office specifies the scope and content of the Statement of Licensing Policy.
- 4.3 The attached Draft Statement of Licensing Policy at **Appendix 1** is in line with these requirements.

## 5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

<b>Financial Implications</b>	<b>Legal Implications</b>	<b>Human Resources (HR) Implications</b>
<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Equality Impact Assessment (EIA)</b>	<b>Carbon Impact Assessment (CIA)</b>	<b>Data Protection Impact Assessment (DPIA)</b>
<b>Yes</b>	<b>No</b>	<b>No</b>

### Financial and legal implications

- 5.2 There is a cost incurred by the Council due to the costs of convening the necessary hearings to determine this statutory process, and the cost of running the necessary consultation, however, this cost is largely recovered via the licence fees paid by those holding and applying for licences.
- 5.3 The Council in its capacity as Licensing Authority has a duty to have regard to its 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.

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.

## 6.0 Appendices

- 6.1 Appendix 1 – Draft Statement of Licensing Policy  
Appendix 2 – Equality Impact Assessment (EIA)

## 7.0 Background documents

Licensing Act 2003

