

**TEIGNBRIDGE DISTRICT COUNCIL**

**Licensing and Regulatory Committee**

**4 November 2020**

**PART I**

<b>Report Title</b>	<b>REVIEW OF STATEMENT OF LICENSING POLICY</b>
<b>Purpose of Report</b>	To recommend the Statement of Licence Policy, as amended, to Council for approval.
<b>Recommendation(s)</b>	<b>The Committee RESOLVES to:</b>  <b>Comment on the representations received and refer the Statement of Licensing to Council.</b>
<b>Financial Implications</b>	Licensing is self-financed by the licensed fees
<b>Legal Implications</b>	Mrs Marie Downey, Solicitor, (Generalist) Email: marie.downey@teignbridge.gov.uk
<b>Risk Assessment</b>	That all reasonable steps are in place to ensure compliance with conditions on the licence under one or more of the four licensing objectives are met. Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
<b>Report Author</b>	Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
<b>Executive Member</b>	Alistair Dewhirst Executive Member for Waste Management & Environmental Health
<b>Appendices / Background Papers</b>	A: Draft Statement of Licensing Policy B: Details of Responses

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**1. INTRODUCTION / BACKGROUND**

- 1.1 In December 2016 Council approved the current Statement of Licensing Policy which has been in effect since 7 January 2016. Under Section 5(1) and (2) of the Licensing Act 2003 this policy is required to be reviewed every three years. This was changed to five years on the 25 April 2012 by the Police Reform and Social Responsibility Act 2011.

## 2. GROUPS CONSULTED

- 2.1 Teignbridge District Council's review of the Licensing Policy was approved by Licensing Act 2003 Committee to be made available for consultation, this started on 24 July 2020. A copy is attached including the proposed amendments marked in red is attached at Appendix A. Since the committee approved the policy to go out to consultation, changes had to be made to meet the accessibility provisions for the website. These changes did not affect the document content. The final date for comments was 16 October 2020. A list of details of the responses is attached at Appendix B.
- 2.2 The consultation exercise for the review of the licensing policy has been wide. The list of consultees is reproduced below. An email/letter was sent to each of the consultees inviting them to make comment on the policy. They were given the choice of downloading a copy of the review of the licensing policy from Teignbridge District Councils website or requesting a printed copy to be sent out by post. The Licensing Office received four requests to supply printed copies these were from town councils and licensed businesses. A copy of the review of the licensing policy was placed on the Council's internet site and libraries within the District.
- Devon and Cornwall Police  
Devon & Somerset Fire & Rescue Service  
TDC Planning Department  
TDC Environmental Health Department  
TDC Leisure & Tourism Department  
All Parish Councils  
All District Councillors  
All Premises Licences Holders  
All Personal Licence Holders  
All known LVA operating within the Teignbridge District  
All known Chambers of Trade operating within the Teignbridge District  
Teignmouth Harbour Commission  
HM Principal Inspector of Health & Safety  
Various Solicitors  
Dartmoor National Park  
Child Protection Agency  
Health Authority  
Circus Arts Forum  
Other various individuals and organisations
- 2.3 The proposed review of the licensing policy is based on changes to legislation and with the Devon Licensing Officers Group given similar characteristics and demographics of some Districts to try and achieve a consistent approach to regulations. This should assist the responsible authorities – particularly the police.
- 2.4 We have received seven responses, of which three offer no comment to make on the proposed policy.

### **3. TIME-SCALE**

- 3.1 The Licensing Authority must adopt a policy prior to the 7 January 2021 in order to continue to exercise its powers under the Licensing Act 2003. Once the Council has approved its Licensing Policy it will be published and will be available for anybody to view through the Council's website.
- 3.2 Section 5 (as amended) of the Licensing Act 2003 requires every licensing authority to determine its licensing policy for the following five years. Section 5(3) requires consultation with the police, the fire authority, representatives of current licence holders, and such others as the authority considers to be a representative of businesses and residents in its area before adoption.
- 3.3 The Licensing Act 2003 requires the policy to be approved by the Full Council. The Licensing and Regulatory Committee is asked to comment on the representations received before the final report is prepared for Full Council on the 23 November 2020.

### **4. REPORT DETAIL**

#### **4.1 Financial**

Licensing is self-financed by the licensed fees.

#### **4.2 Legal**

Compliance with all legislation.

#### **4.3 Risks**

That all reasonable steps are in place to ensure compliance with conditions on the licence under one or more of the four licensing objectives are met.

### **5. CONCLUSION**

To recommend the Statement of Licence Policy, as amended, to Council for approval.