

Teignbridge District Council

Changes to Statement of Policy under the Licensing Act 2003

AMEND – Front Page – Date of Full Council – for approval – to be added once known

ADD – Inner Page – Licensing contact details

AMEND – Page 3-4 – Table of Contents page nos. and change of name.

ADD – Page 5 – Foreword – 2nd para - hyperlink 'Council Strategy 2015-2030'.

AMEND – Page 5 – 3rd - para to slightly reworded.

AMEND – Page 6 – 1.5 – change 'take into account' to 'consider'

AMEND - Page 5 - last para, fourth line - change 'has to' to 'must'

ADD – Page 6-7 - para added numbered Sections 1 and 2

ADD – Page 6 – para 1.1 - hyperlink 'Section 5 of the Licensing Act 2003'

ADD – Page 6 – para 1.2 – hyperlinks 'Licensing Act 2003' and 'Guidance issued by the Home Office under Section 182 of the Act February 2025' added 'The Policy is published on 7 January 2026 and takes effect on 7 February 2026.

AMEND – Page 6 – para 1.5 – first para change 'take into account' to 'consider'

ADD – Page 6 – para 1.5 - 2nd para hyperlink 'S.122 of the Police Reform and Social Responsibility Act 2011'

AMEND - Page 7 – para 1.6.5 – updated data

AMEND – Page 7 – para 1.6.7 – updated data

AMEND – Page 8 – para 2.1 – renamed Trading Standards

AMEND – Page 8 – para 2.2 – update hyperlink – Government Code of Practice on Consultation

AMEND – Page 8 – para 2.4 – Council date to be added once known

AMEND – Page 8 – para 3.2 – change 'taken into account' to 'considered'

AMEND – Page 9 – para 3.3.2 - updated link to 'Information Pack'

AMEND – Page 9 – para 3.4.2 - updated link to 'Information Pack'

AMEND – Page 9 – para 3.5.3 - updated link to 'Information Pack'

AMEND – Page 9 – para 3.6.1 – change 'particular type of premises' to 'premises'

AMEND – Page 9 – para 3.6.1 – change 'in order to' to 'to'

AMEND – Page 9 – para 3.6.2 - updated link to ‘Information Pack’

AMEND – Page 10 – para 4.1.2 – change ‘a number of’ to ‘several’

AMEND – Page 10 – para 4.1.3 – (i), (ii), (iii), (iv) and (v) include hyperlinks

AMEND – Page 11 – para 4.1.3 – continued ... include hyperlinks

AMEND – Page 11 – para 4.1.3 – move 2 items from (v) into (iv)

AMEND – Page 12 – para 4.2.1 – hyperlink ‘Section 103’

AMEND – Page 13 – para 4.2.2 – change ‘in order to’ to ‘to’

AMEND – Page 13 – para 4.3.2 – hyperlink ‘Regulators Compliance Code’

AMEND – Page 13 – para 4.3.2 – change ‘on the basis of’ to ‘based on’

ADD – Page 13 – para 4.4 – include ‘Teignbridge’ before ‘Safety Advisory Group’

ADD – Page 13 – para 4.4.1 – last sentence added ‘At least six months’ notice will be expected for events of 5,000 people or more.

ADD – Page 13 – para 4.4.3 - include ‘Teignbridge’ before ‘Safety Advisory Group’

AMEND – Page 15 – para 4.7.1 – change ‘take action’ to ‘act’

AMEND – Page 15 – para 4.8.1 – change ‘particular regard’ to ‘regard’

AMEND – Page 15 – para 4.9.1 – change ‘a number of’ to ‘several’ and ‘at’ to ‘of’

ADD – Page 15 – para 4.9.2 – hyperlink ‘workplaces’

AMEND – Page 16 – para 4.10.2 – change ‘In the course’ to ‘While’

ADD – Page 17 – para 4.12.1 – hyperlink ‘The Policing and Crime Act 2009 and Schedule 3’

REWORD – Page 17 – 4.12.1 – as follows ‘This means any premises in which relevant entertainment is provided meaning before any live performance or any live display of nudity. On more than 11 occasions within a 12-month period, no occasion has begun within the period of one month beginning with the end of the previous occasion, with none of those occasions lasting longer than 24 hours.’

ADD – Page 17 – para 4.13 – hyperlink ‘Immigration Act 2016’

ADD – Page 17 – para 4.13.1 – hyperlink ‘Section 36 and Schedule 4’

ADD – Page 18 – para 4.14.3 – hyperlink ‘Human Rights Act 1998’

ADD - Page 18 – para 4.15 – hyperlink ‘Business and Planning Act 2020 and Levelling-up and Regeneration Act 2023’

ADD – Page 18 – para 4.15.1 and 4.15.2 – New paras relating to pavement licenses.

ADD – Page 18-20 – para 4.16 to 4.16.14 – New Section relating to ‘Terrorism (Protection of Premises) Act 2025 including hyperlink’

ADD – Page 20 – para 5.1.1 – hyperlink ‘webpage’

AMEND – Page 20 – para 5.1.4 – hyperlink ‘Information Pack’ update and change ‘may’ to ‘will’

REMOVE – Page 20 – para 5.1.4 – ‘sample notice’

AMEND – Page 20 – para 5.1.5 – change ‘give full consideration’ to ‘consider’

ADD – Page 21 – para 5.1.6 – New para relating to consultation

AMEND – Page 21 – para 5.2.3 – 2nd para change date from ‘~April 2018’ to ‘February 2025’

ADD – Page 22 – para 5.2.7 – New para relating to ‘petitions’

AMEND – Page 22 – para 5.3.4 – change ‘the vast majority’ to ‘most’ and ‘particular regard’ to ‘regard’

AMEND – Page 22 – para 5.3.4 – 2nd para to reword last couple of sentences to read as follows: ‘It may also include the reduction of the living and working amenity and environment of persons and businesses around licensed premises. Public Nuisance may also arise because of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (Home Office Guidance 2.22 (S182 February 2025))’

ADD – Page 23 – para 5.3.8 – para to reword as follows ‘The Licensing Act 2003 (Hearings) Regulations 2005, Section 26 sets out that the licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal.’

AMEND – Page 23 – para 5.3.9 – replace ‘of formal notification of the decision’ to ‘beginning on the day you were notified of the decision’.

AMEND – Page 23 – para 5.4.2 – change ‘in order to’ to ‘to’

ADD – Page 24 – para 5.4.3 – add to end of para ‘if they only have on-sales stated on their licence’

AMEND – Page 24 – para 6.1 – change ‘in order to’ to ‘to’

AMEND - Page 24 - para 6.2 – change ‘local residents’ to ‘residents’

AMEND – Page 24 – para 6.3 – 2nd para – to read as follows: ‘Home Office Guidance 10.14 (S182 February 2025). Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would

undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.'

AMEND – Page 24 – para 6.5 – change 'with regard to' to 'about'

AMEND – Page 25 – para 6.6 – change 'with regard to' to 'about'

AMEND – Page 25 – para 7.2 – 4th bullet point – change 'particular type' to 'type'

AMEND – Page 25-26 – para 7.4 – hyperlink 'Information Pack' updated

AMEND – Page 26 – para 7.4 – 2nd para – change 'April 2018' to 'February 2025' and add at the end 'and be appropriate and proportionate for the promotion of the licensing objectives'

AMEND – Page 26 – para 7.6 – change 'take action' to 'act'

AMEND – Page 26 – para 7.7 – change 'are considered to be' to 'are'

AMEND – Page 26 – para 7.8 - change 'on the premises at all times' to 'is always on the premises' and remove last sentence 'Copies of the authorisation should be sent to the Authority and the Police.'

REWORD – Page 26 – para 7.8 – 2nd para to read as follows: *NB. 'Authorisation' does not mean direct supervision by a personal licence holder of each sale of alcohol. The government recommends that Personal Licence holders give specific written authorisations to individuals they are authorising to sell or supply alcohol and that such individuals are clearly identified (Home Office Guidance 10.29 – 10.35 S182 February 2025).'*

INSERT – Page 27 – para number 7.9

AMEND – Page 27 – para 7.9.2 – change 'community as a whole, the' to 'community, the'

AMEND – Page 27 – para 8.2 – 2nd and 3rd para to read as follows: *'Cumulative impact 'or 'saturation' is not specifically mentioned in the Act but is defined in Home Office guidance 14.20 – 14.23 (S182 February 2025) as 'the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area'. Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of, the behaviour of customers of all premises, taken together, will be greater than the impact of customers of individual premises.'* on the amenity of the surrounding area.

A Licensing Authority may adopt a 'Cumulative Impact Assessment' to help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having an impact and leading to problems which are undermining the licensing objectives.

AMEND – Page 27 – para 8.3 – change 'take into account' to 'consider'

AMEND – Page 27 – para 8.3 – change 'licensing policy statement' to 'policy'

AMEND – Page 28 – para 8.7 – change 'in particular the' to 'the'

AMEND – Page 28 – para 8.8 – change 'take into account' to 'consider'

AMEND – Page 29 – para 9.1.3 – change 'with regard to' to 'about'

AMEND – Page 30 – para 9.2.8 – change ‘April 2018’ to ‘February 2025’

REMOVE – Page 32 – para 11.1 – ‘in order’

AMEND – Page 32 – para 11.1 – change ‘take into account’ to ‘consider’

AMEND – Page 32 – para 11.1 – hyperlink ‘Safer Clubbing’

ADD – Page 32-35 – para 11.2 to 11.2.10 – Drink and needle spiking

AMEND – Page 35 – para 12.1 – change ‘employed at the premises either at all times’ to ‘always employed at the premises either’

AMEND – Page 35 – para 12.2 – change ‘in order to’ to ‘to’ and ‘in particular that’ to ‘that’

AMEND – Page 35 – para 13.1 – change ‘a number of’ to ‘several’

AMEND – Page 36 – para 15.3 – change ‘A number of’ to ‘Several’

AMEND – Page 37 – para 15.6 – ‘on the basis of’ to ‘based on’

AMEND – Page 37 – para 16.3 – change ‘Local residents’ to ‘Residents’

AMEND – Page 38 – para 17.1 – change ‘time period’ to ‘time’

AMEND – Page 39 – para 18.3 – change period to ‘timescale’

AMEND – Page 39 – para 19.6 – penultimate bullet point change ‘ie’ to ‘namely’

ADD – Page 40-42 – new para 19.7 to 19.7.17 – Violence against women and girls

AMEND – Page 42 – 20.3 – ‘Home Office website’ to ‘the Government Website’

AMEND – Page 44 – APPENDIX A – para 4.8 – change ‘take into account’ to ‘consider’

AMEND – Page 45 – APPENDIX A – para 4.11 – change last bullet point to read as follows: ‘The guidance issued by the Home Office under section 182 of the Licensing Act 2003 (February 2025)’.

AMEND – Page 47 - APPENDIX A – para 7.2 – change ‘in order to’ to ‘to’

AMEND – Page 47 – APPENDIX A – para 8.3 – remove last five bullet points as no longer apply

AMEND – Page 49 – APPENDIX B – para (7) – change ‘submit an application’ to ‘apply’

AMEND – Page 51 – APPENDIX C – para (i) – change contact details to read as follows:

Home Office Immigration Enforcement

Home Office (Immigration Enforcement), IE Licensing Compliance Team (IELCT), 2 Ruskin Square (Floor 6), Dingwall Road, Croydon, CR0 2WF

Email: IE.licensing.applications@homeoffice.gov.uk

AMEND – Page 55 – GLOSSARY - ‘Other Person’s’ change to read as follows: persons who can make representations

- any individual, body or business, regardless of their geographic proximity to the premises
- a representative, this could include legal, friend or member of parliament, local ward or parish councillor.

REPLACE - Page 56 – GLOSSARY - ‘Relevant Representation’ - 2nd para replace with the following: It is for the Authority to determine on its merits whether any representation by other persons is frivolous or vexatious. The other persons may not consider this to be the case, but the test is whether the Authority is of the opinion. The Authority must determine this and make the decision based on what might ordinarily be vexatious or frivolous. A trivial complaint would not always be frivolous but would have to be pertinent to be relevant. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. In borderline cases the benefit will be given to the other persons making the representation. Other persons aggrieved by a rejection of his representations on these grounds may challenge the Authority’s decision by way of judicial review.

REMOVE – Page 57 – GLOSSARY – ‘Residential Area’.