

Full Council

24/02/26

**Review of Statement of Licensing Policy 2021-
2026**

Full Council
PART I
Review of Statement of Licensing Policy 2021-2026
(DoF)

1 Summary

- 1.1 The Licensing Act 2003 (as amended) (“the 2003 Act”) requires that all licensing authorities should issue a Statement of Licensing Policy and keep it under review every 5 years, making revisions to it, at such times, as it considers appropriate.
- 1.2 The current Statement of Licensing Policy 2021-2026 (“the Policy”) was published on 24 February 2021 and therefore expires on 24 February 2026.
- 1.3 Officers have reviewed the Policy and have sought to make changes. It should be noted that no legislative changes have occurred since the last review and therefore the changes identified at this stage are relatively minor and expanded upon below.
- 1.4 The objective is for the revised Policy to be effective from 25 February 2026 to ensure a seamless transition between the existing and new Policy.

2 Recommendation

- 2.1 That members of the Committee agree to the following:
- a) Note the report and revised Policy making changes if required; and
 - b) Commence a 6-week public consultation exercise on the revised Policy; and,
 - c) Following the expiry of the public consultation that details of the consultation responses and any amendments to the Policy following the consultation will be presented to the Licensing Committee on 4 February 2026 for agreement with formal adoption by Full Council on 24 February 2026;
- Or,
- d) In the event that the responses from the public consultation do not materially impact the revised Policy which require significant changes as consulted upon, that the Head of Regulatory Services in conjunction with the Chair of the Licensing Committee is delegated to make minor changes to the Policy, if required, and then for the revised Policy to be formally adopted by Full Council on 24 February 2026.

- 2.1.1 That public access to the report be immediate.

3 Details

- 3.1 The aim of the Policy is to promote the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm, and seeks to balance the interests of both businesses and residents to make sure Three Rivers continues to offer a wide choice of high quality and well managed premises within a safe and orderly environment.

- 3.2 The Policy also sets out the approach and principles that the Council will generally apply when carrying out its functions under the 2003 Act. It underpins policy and procedure by setting out the approach the Council will take when determining applications for new licences, variations and reviews and provides general guidance to applicants, operators and those affected by licensable activities. At the same time however the Policy must not undermine the right of any individual to apply for any of the variety of permissions under the 2003 Act and for that application to be considered on its individual merit.
- 3.3 As there have been no legislative changes there are no significant amendments to the Policy.
- 3.4 The specific changes to the Policy currently include:
- Updating any errors across the report
 - Providing greater clarity to what makes a valid representation on premises applications and referencing the recent simply guide which officers have produced to assist members of the public
 - Requirement to provide right to work share code or eligible immigration documents
 - Greater information provided regarding deregulated entertainment
 - Providing greater clarity and detail on temporary events
 - Removal of advice relating to the Covid pandemic.
 - Updating information regarding pavement licences
 - The introduction of a paid pre-application advice service which has taken effect

4 Options and Reasons for Recommendations

- 4.1 The options available to members of the Committee are as follows:
- 4.2 **Option 1:** *Agree with the officer recommendation as set out at section 2 above*
- 4.2.1 Preferred option.
- 4.3 **Option 2:** *To agree to a greater public consultation period*
- 4.3.1 Officers do not consider this to be an appropriate option given the risks which could arise (see paragraph 7.2 & section 15). If this approach is agreed, there will need to be agreement that the existing Policy can still be used following its expiration to enable officers to give weight to it.
- 4.4 **Option 3:** *Do nothing.*
- 4.4.1 Officers do not consider this to be an appropriate option given the risks which could arise (see paragraph 7.2 & section 15). If this approach is agreed, there will need to be agreement that the existing Policy can still be used following its expiration.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council's agreed budgets.

5.2 It should also be noted that as part of the consultation process there will be fees associated with advertising, for example, by placing a statutory notice in the Watford Observer. These fees will be subsumed by existing budgets.

6 Financial Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 If the recommendation (Option 1) is followed there would be no legal implications.

7.2 Notwithstanding, any delay to adopting the amended Policy (Options 2 or 3) may mean that the Council would breach its statutory duty under Section 5 of the Act.

7.3 Section 4(3)(a) of the Licensing Act 2003 provides that *'In carrying out its functions, a licensing authority must also have regard to (a) its licensing statement published under section 5.'*

7.4 Section 5 of the Act provides:

'(1) Each licensing authority must in respect of each five-year period – (a) determine its policy with respect to the exercise of its licensing functions, and (b) publish a statement of that policy before the beginning of the period.'

7.5 Sub-section (6C) provides that 'A licensing statement must specify the five year period to which it relates.'

7.6 Additionally any revised or replacement statement of licensing policy must be consulted upon (s 5(3)).

7.7 The section 5 duty is mandatory and prescriptive.

7.8 Any delay in adopting the revised Policy following its expiry would be a clear breach of the mandatory prescriptive requirements on the 2003 Act; the longer that the delay remains extant the greater the risk to the local authority.

7.9 If the Policy was to expire officers will need to take care in considering how much weight should be attached to the Policy when determining the relevant licences. It is therefore important that officers receive a resolution in the event that Option 2 or 3 is agreed that the existing Policy can still be used following its expiration.

8 Equal Opportunities Implications

8.1 Given the minor changes to the Policy, the relevance test has not been completed.

9 Staffing Implications

9.1 There are no staffing implications which would arise from this report.

10 Environmental Implications

10.1 There are no environmental implications which would arise from this report.

11 Community Safety Implications

- 11.1 There are no community safety impacts which would arise from this report.
- 11.2 The Policy continues to safeguard the public through the assessment of whether licenced drivers are 'fit and proper' to hold a licence with the council.

12 Public Health implications

- 12.1 There are no public health implications which would arise from this report.

13 Customer Services Centre Implications

- 13.1 The Customer Service Centre will be advised on any public consultation and to sign post customers to our website, 'Have your say' function.

14 Communications and Website Implications

- 14.1 The council's Digital Team will be made aware of the Policy consultation and will assist in utilising the 'Have your say' function on the website for the consultation exercise.

15 Risk and Health & Safety Implications

- 15.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 15.2 The subject of this report is covered by the Regulatory Services service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Delays to commencing public consultation or extending the consultation	The existing policy expires on 24 February 2026 so delays to agreeing a revised policy within the 5 years will result in a failure of policy and thus at risk if a legal challenge. The longer the delays the higher the legal risk.	Members to agree to recommendation to ensure public consultation can commence and time to consider the representations received at a future Licensing Committee in early February 2026. This timeline will ensure Council fulfils its statutory duty under the	Tolerate	2

		Licensing Act.		
Decide not to adopt the amended Policy	The Council would not be fulfilling its statutory duty under the Licensing Act 2003 in reviewing and adopting its Policy every 5 years.	Officers to advice against this approach to avoid legal challenges and failure of statutory duty.	Treat	8

15.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
		Impact		
		Low -----> Unacceptable		

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

15.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

APPENDICES

Appendix 1: Statement of Licensing Policy 2016-2021 (“the Policy”)

Appendix 2: Revised Statement of Licensing Policy (track changes)

Appendix 3: Revised Statement of Licensing Policy (clean version)

