

Licensing Committee Report



Amendment to Statement of Licensing Policy (Licensing Act 2003)

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Exempt / confidential / not
 for publication

No

1. Purpose

1.1 To change the existing statement of policy in respect of the body that the Council recognises as the responsible authority under Section 13 of the Licensing Act in relation to the protection of children from harm.

2. Recommendations

2.1 To endorse revisions to the document at **Annex A**, with the revisions listed at **Annex B**, for adoption at the next appropriate full Council.

3. Actions and Options

3.1 The Committee has the following options available to it:

- (a) to endorse the recommendation; or
- (b) to resolve that further work be undertaken and a further report be provided in due course.

4. Issues and Choices

4.1 Under the Licensing Act 2003 (the Act), Milton Keynes Council acts as the 'Licensing Authority' for the regulatory system of the supply of alcohol, Regulated Entertainment and Late Night Refreshment.

4.2 It is a legal requirement under the Act that the Council adopts a Statement of Licensing Policy in this regard. The current policy document was adopted in 2018 and is at **Annex A**. The Policy is not yet due for formal review.

- 4.3 Part of the legal framework to the Act are ‘responsible authorities’. These are statutory consultees on specific applications. One of these is specified as the *‘body which.....represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters’*. The current statement of Licensing Policy recognises Milton Keynes Safeguarding (Children’s) Board (MKS[C]B) as that body.
- 4.4 However, in 2018/19 MKSB ceased to exist as an entity and its role has been included in a new organisation and structure within the Council known as MKTogether (MKT). This fulfils the same role of MKSB but with a more holistic responsibility including community safety. Whilst the role in respect of licensing has not changed the current statement of Licensing Policy of the Council is now incorrect as it still states MKSB as the recognised body of the Licensing Authority. It therefore needs to be amended to state MKTogether as the appropriate responsible authority that the Council now recognises.
- 4.5 Because the change is one of name rather than function a statutory consultation has not been undertaken with licence holders, businesses and residents of Milton Keynes because it is not a change of policy direction but instead an update to reflect a change of name to an existing responsible authority. Nevertheless all of the responsible authorities specified under the Act have been consulted on the change with no comment received. Further, there has been a consultation on the Councils website, and Town / Parish Councils and Councillors have been notified. There have been no comments received.

5. Implications

5.1 Policy

The revised and updated statement contribute to improved resilience in discharging legal duties under the legislation concerned and assist in clarifying roles and responsibilities for promoting the licensing objectives.

5.2 Resources and Risk

None.

5.3 Legal

Section 5 of the Licensing Act requires a licensing authority (to) keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

Background Papers: Item 6 Licensing Committee - 14 March 2018
(Endorsement of Current Statement of Policy)
<https://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5777/Committee/1180/Default.aspx>

List of Annexes:

Annex A: Milton Keynes Statement of Licensing Policy
2018 - 2023
<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/alcohol-and-entertainment/milton-keynes-council-licensing-policy>

Annex B: Changes Proposed to Policy