

# Briefing for licensing professionals: Licensing strategies and Statements of Licensing Policy

This briefing includes key points from chapter 13 within the report: *The Licensing Act (2003): its uses and abuses 10 years on*

## SLPs and strategy within licensing

SLPs provide a very clear way for local authorities to outline their view of what the 'public interest' requires in regard to licensing, an important issue covered in chapter 4 of the report. Indeed, para 1.5 of the s 182 Guidance states that one of the Act's wider aims is:

Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate **licensing strategies** for their local area (added emphasis)

Chapter 4 also details case law in support of this, and the fact that when it comes to determining what the 'public interest' requires:

The scheme is based on the premise that the relevant local authority is uniquely equipped and well-placed to make such judgments (*Taylor v Manchester [2012] para 74*)

Clearly all decisions are taken on a case-by-case basis and are determined on their own facts and circumstances. However, this research has strongly suggested that the key – and fundamental concern – that the Act is to serve the wider public interest is often lacking. This public interest purpose ought to be highlighted in the SLP, and through this document make its way into each licensing decision. Indeed, para 1.17 of the s 182 Guidance confirms that:

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy

Because of this, SLPs provide the ideal method through which local authorities can clearly spell out their view of the public interest regarding licensing. The way in which local authorities decide what this public interest is needs some consideration though. It is perhaps something that should be led by elected councilors, with a view to wider priorities such as the corporate plan, and the input of licensing officers and other responsible authorities.

## SLPs and consultations

If SLPs are regarded as key for local authorities in communicating their views on the public good, it could be argued that those who made the effort to consult widely on their SLP, including an effective public consultation, are closer to this goal.

The public consultation process does not have to be onerous to be effective. Some areas have run specific focus groups in order to get local views, but in many cases there already exist local networks that can be used. In addition to a general public consultation, council officers could take a set of short questions to local groups and organisations in order to get

their views on general licensing issues, encouraging anyone with more detailed ideas to fill in the full consultation.

These local groups or organisations might include schools, colleges, churches, Scout groups, youth clubs or similar, community groups or sports clubs, the local Healthwatch group, and patient or carer groups. In places where there are alcohol or drug treatment and rehabilitation centres a very strong case could be made for ensuring that their views are taken. The local safeguarding board should also be included.

### **In the absence of a licensing strategy**

Some local authorities deliberately put very minimal information into their SLP, as this makes it very easy to take it into account within decisions. However, this also suggests that they take little or no view as to what the public interest regarding licensing may require either.

In the absence of a clearly defined strategy for licensing in an area, incorporated into each decision, market forces seem far more likely to have the opportunity to drive the development of the licensed trade. This has the potential to make the Act seem more permissive and market driven than it needs to be.

Rather than taking a passive and reactive view of licensing, some local authorities have used them to outline a clear and definite view of what the public interest requires from licensing, and how detriment to that public interest should be avoided. This view has often come directly from elected councillors, interlinked with wider council priorities, and this seems a sensible approach. The encouragement and spread of this approach would be very beneficial.

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More details on this issue, including case studies, can be found in chapter 13 within the report: *The Licensing Act (2003): its uses and abuses 10 years on* (<http://bit.ly/la03report>)