

<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing and Safety Committee Full Council
<b>Meeting date:</b>	Licensing and Safety Committee – 6 November 2025 Full Council – 12 November 2025
<b>Title of report:</b>	LICENSING ACT 2003 – REVIEW OF THE STATEMENT OF LICENSING POLICY
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary

The Licensing Act 2003 requires the Local Authority as Licensing Authority to prepare and publish a statement of licensing policy at least every five years. The existing policy was agreed by the Council on the 20 November 2020 with an effective date of the 7<sup>th</sup> January 2021.

### Options & Recommended Options

- The policy as presented can be accepted, amended or rejected but to comply with the statute a revised policy has to be agreed by Council by the 7<sup>th</sup> January 2026.

It is recommended that the attached draft statement of licensing policy be accepted without amendment. Widespread consultation has not revealed any major problems with the existing policy.

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### Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is within the public domain.

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## Community impact / Contribution to the Bury 2030 Strategy

Not applicable

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### Equality Impact and considerations:

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

*The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.*

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### Assessment of Risk:

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
If the Authority does not have a revised policy in place by 7 <sup>th</sup> January 2026 it will be unable to fulfil it's duties under the Act Therefore the Authority would be acting ultra vires	Consultation has taken place before the report is placed before the Licensing and Safety Committee for consideration and Full Council for ratification

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**Consultation:**

A consultation has been undertaken for a 5-week period between the 17 September 2025 and 22 October 2025.

An equality impact assessment has been carried out and the impact is regarded as generally neutral within the terms of the objectives except for a positive impact as regards the protection of children from harm.

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**Legal Implications:**

The Council must comply with the Licensing Act 2003 and statutory guidance which require the Council to have a licensing policy and to carry out a review of this policy.

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**Financial Implications:**

The revenue budget includes provision for expenditure and income associated with the licensing activities covered by this policy. The proposed changes to the policy are not anticipated to result in any significant change to resource requirements.

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**Background papers:**

Application form

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
None	

## **1.0 Background**

- 1.1 The Licensing Act 2003 regulates the sale and supply of alcohol, the provision of regulated entertainments and the provision of late night (hot) refreshment.
- 1.2 The Act requires the Local Authority as Licensing Authority, to carry out a review of its Statement of Licensing Policy every 5 years and to publish the result.
- 1.3 The existing Statement of Licensing Policy was agreed by Council on the 20 November 2020 and took effect from the statutory deadline of the 7 January 2021. To comply with the statutory five year review period, the outcome of the review must be agreed before the 7<sup>th</sup> January 2026.
- 1.4 The Act stipulates four defined licensing objectives, namely:
  - The prevention of crime or disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

These are the only objectives that can be considered for licensing purposes.

## **2.0 ISSUES**

- 2.1 In preparing the policy, a Licensing Authority must have regard to the Secretary of State's Guidance issued under Section 182 of the Act. This guidance is quite prescriptive in a number of areas.
- 2.2 A copy of the revised Statement of Licensing Policy is attached at Appendix 1.
- 2.3 An equality impact assessment has been carried out and the impact is regarded as generally neutral within the terms of the objectives except for a positive impact as regards the protection of children from harm.

## **3.0 CONSULTATIONS**

- 3.1 The consultation has been undertaken for a 5 week period between the 17 September 2025 until the 22 October 2025.
- 3.2 The Act requires consultation with a number of consultees defined in statute legislation as follows:
  - The Chief Officer of Police;
  - The Fire & Rescue Service;
  - Local Authority's Director of Public Health in England (DPH) which is in the licensing authority's area,

- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local club premises certificates;
- Persons/bodies representative of local holders of personal licence holders;
- Persons/bodies representative of businesses and residents in it's area.

3.3 Additionally all responsible authorities defined within the Act, have been included in the consultation. A full list of consultees is attached as Appendix 2.

3.4 The consultation has also been published on the Council website.

3.5 The feedback is attached as Appendix 3.

#### **4.0 CONCLUSIONS**

4.1 The current policy has been in existence for five years and to date has not been challenged formally or informally.

4.2 Feedback from consultees has been minimal.

4.3 The policy can be reviewed at any time during the five year cycle to take account of emerging issues.

4.4 The policy will need to be agreed by Council at the meeting on the 12 November 2025 if a special Council Meeting is to be avoided.