

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CHIEF EXECUTIVES URGENT DECISION ON BEHALF OF

COUNCIL 18 NOVEMBER 2020

Report Title: Statement of Licensing Policy 2020-25

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

WARD(S) AFFECTED: ALL

Purpose of the Report

To adopt the draft Statement of Licensing Policy for the Council.

Recommendation

That the Statement of Licensing Policy 2020-2025 (Appendix 2) be adopted and implemented with effect from 25 November 2020.

Reasons

The Licensing Act 2003 requires the Council to determine its Statement of Licensing Policy for a period of 5 years. The Council is required to publish its Statement of Licensing Policy in advance of each five year period. The existing Statement of Licensing Policy was approved at Council on 25th November 2015. There is, therefore a requirement to determine and publish, before 25 November 2020, a statement of licensing policy for the period 25 November 2020 to 24 November 2025.

1. Background

- 1.1 This decision is taken in accordance with paragraph 1 ("Matters of Urgency") on page 78 of the Council's Constitution. The urgency arises on account of the need for this decision to be taken by full Council before a meeting of full Council can be convened. This decision was programmed to be taken to full Council on 18 November, however that meeting has been postponed due to the reintroduction of a national lock-down in response to the Coronavirus pandemic. A meeting of full council will not now be possible until after 2 December.
- 1.2 In accordance with the urgency provisions, the Mayor has been consulted. Additionally, each Group Leader has also been consulted. All those consulted were content with the decision proposed. In addition, this Statement of Licensing Policy was considered by the Licensing and Public Protection Committee on 12 October 2020, which passed a resolution to recommend that Council adopted the same at its 18 November meeting.

1.3 Under Section 5 of the Licensing Act 2003 the Council is required to determine and publish its Statement of Licensing Policy in respect of each 5 year period. If a Council reviews its Policy within a 5 year period, then a new 5 year period begins from the date it that the reviewed policy is implemented.

1.4 The current Statement of Licensing Policy was approved at Council on 25th November 2015 and it therefore requires review and re-adopted prior to 25 November 2020.

2. **Issues**

2.1 The issues are set out above, and in the attached (Appendix 1) report to the Licensing and Public Protection Committee on 12 October 2020.

3. **Proposal**

3.1 That, using the urgency powers set out in the Constitution the Chief Executive, on behalf of Full Council, adopt the revised Statement of Licensing Policy 2020-2025 (Appendix 2) with an implementation date of 25 November 2020.

4. **Reasons for Proposed Solution**

4.1 The proposed amendments are required to ensure compliance with the Licensing Act 2003 and to also ensure that the Statement of Licensing Policy is up to date to ensure best practice.

5. **Options Considered**

5.1 N/A

6. **Legal and Statutory Implications**

6.1 Set out in the body of this report

7. **Equality Impact Assessment**

7.1 There are no impacts identified arising from this report.

8. **Financial and Resource Implications**

8.1 There are no impacts identified arising from this report.

9. **Major Risks**

9.1 The risks associated with the Council not having an approved Statement of Licensing Policy, as required by the Licensing Act, relate to how robust reliance on the Statement can be if it is considered to be out of date.

10. **Sustainability and Climate Change Implications**

10.1 There are no impacts identified arising from this report.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 The existing statement of licensing policy was approved at Council on 25th November 2015. The proposed revised version was approved and recommended for adoption at the Licensing and Public Protection committee meeting on 18 October 2020.

13. **List of Appendices**

13.1 Appendix 1 – Report to Licensing and Public Protection Committee

13.2 Appendix 2 – Proposed Statement of Licensing Policy 2020-2025.

14. **Background Papers**

14.1 None.

DECIDED BY:-

Martin Hamilton (Chief Executive) under the aforementioned powers



Signed

Dated 18 November 2020