

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
04 August 2020

Report Title: Draft Statement of Licensing Policy 2020-25

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To advise members of a draft Statement of Licensing Policy for the Council and to seek approval for public consultation.

Recommendation

That Members make any comments on the draft Statement of Licensing Policy prior to it being issued for public consultation.

Reasons

Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5 year period then a new 5 year period begins from the date it is implemented. The policy therefore requires review and implementation by 25th November 2020.

1. **Background**

1.1 Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by January 2021 and the revision published by 6th January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5 year period then a new 5 year period begins from the date it is implemented.

1.2 The existing Statement of Licensing Policy was approved at Council on 25th November 2015 and therefore requires review and to be readopted prior to this date.

2. **Issues**

2.1 The statement of policy must set out the Councils "policy with respect to the exercise of its licensing functions". This includes ensuring that the Policy meets the four Licensing Objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

2.2 Attached to this is the revised Statement of Licensing Policy to be published for consultation for 6 weeks.

2.3 Members of Licensing and Public Protection Committee are invited to make any comments on the Policy prior to it going to public consultation. The revised Policy is contained in Appendix 1.

3. **Proposal**

3.1 The responsibility for adoption of the statement of Licensing Policy is reserved, by law, to Council.

3.2 The Council is required prior to adoption of the policy to consult with:

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority for that area,
- (c) each Local Health Board for an area any part of which is in the licensing authority's area,
- (d) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

3.3 Appendix 1 provides a draft Statement of Licensing Policy, these amendments include:

- Updates to reflect changes to Licensing Guidance and best practice, including;
 - Amended timescales,
 - Changes to cumulative impact assessments,
 - Changes to temporary event notices
 - Updated standard conditions
 - Updated to reflect corporate enforcement policy
 - Updated ages for challenge 21 to 25
 - Updated contact details
- Typographical amends.

3.4 The timescale for the revision of the Statement of Licensing Policy is as follows:

- Draft considered by Licensing and Public Protection Committee 4th August 2020.
- Consultation formally starts 7th August 2020 for 6 weeks.
- Consultation ends 17th September 2020.
- Report to Licensing and Public Protection Committee on proposed Statement and comments from consultation – at October meeting.
- Report to Council on adoption of revised Statement – 18th 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 There are many options relating to the content of the draft Statement of Licensing Policy, the proposed amendments are to update for current best practice and guidance.

6. **Legal and Statutory Implications**

6.1 Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by 25th November 2020 and thereafter every 5 years.

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 There are risks associated with the Council not having an approved Statement of Licensing Policy as required by the Licensing Act.

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.

13. **List of Appendices**

13.1 Appendix 1 – Draft Statement of Licensing Policy.

14. **Background Papers**

14.1 None.