

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
12 October 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 advise members of the outcome of the public consultation on the draft Statement of Licensing Policy for the Council and to seek approval for the Policy to be submitted to Council.

Recommendation

That Members receive the outcome of the public consultation

That Members approve submission of the Statement of Licensing Policy to Council on 18th November 2020 for adoption.

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.
- 1.3 On 4th August 2020 the Committee determined that the draft policy go out for consultation with the statutory consultees, relevant other bodies and members of the public for a period of 6 weeks that would end on 17th September 2020.

2. Issues

- 2.1 The statement of policy sets 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 as Appendix 1 to this is the revised Statement of Licensing Policy that was consulted upon for 6 weeks. During that 6 weeks the Council received two responses to the proposals.
- 2.3 The first response, received from Madeley Parish Council, outlined their support for outdoor seating arrangements for licensed premises during the current pandemic period. A copy of their comments are attached as Appendix 2.
- 2.4 The second response was from Councillor Gary White. Cllr White commented that when applications for new premises licences, or variations to existing licences, are received part of the consultation process should be to include Ward Councillors and Parish Councils where relevant. Cllr White's comments are attached as Appendix 3.
- 2.5 Members of Licensing and Public Protection Committee are invited to make any comments on the Policy prior to proposing its adoption by Full Council on 18th November 2020.

3. **Proposal**

- 3.1 That Members receive the outcome of the public consultation, consider any amendments as required, and propose that the policy is adopted at Full Council.

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. The Council is required to revise its Statement of Licensing Policy by 25th November 2020

5. **Options Considered**

- 5.1 To agree that the proposed policy, attached as Appendix 1, is forwarded to Full Council 18th November 2020 to agree and adopt; **(RECOMMENDED)**
- 5.2 To make amendments to the proposed policy prior to adoption by Full Council.

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 – Proposed Statement of Licensing Policy.

14. **Background Papers**

14.1 None.