

Cabinet

16 January 2019

Review of the Council's Statement of Licensing Policy



Report of Ian Thompson, Corporate Director, Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

County Wide

Purpose of the Report

- 1 The purpose of this report is to seek approval to undertake a public consultation leading to the production of a revised version of the policy statement to be recommended for adoption by Council.

Executive summary

- 2 The current Statement of Licensing Policy expires in October 2019. In order for the Council to fulfil its statutory obligations under the Act it is necessary to adopt a new policy before that date.
- 3 In reviewing the Statement of Licensing Policy the Council should widely consult on its content and give due consideration to any comments received as part of the consultation process.
- 4 A further report will be presented to the Statutory Licensing Committee on completion of the consultation exercise.

Recommendation

- 5 It is recommended that the current Statement of Licensing Policy be consulted upon for a 12-week period and that the Statutory Licensing Committee be asked to consider the results of that consultation and give their comments and recommendations to Full Council for approval by 30 October 2019.

Background

- 6 The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. Durham County Council adopted the current Statement of Licensing Policy on 29 October 2014. It must be revised, adopted and published by Wednesday 30 October 2019.
- 7 The Statement of Licensing Policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position concerning the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its functions under the Act. As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.
- 8 Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of local residents through a failure to promote the licensing objectives effectively.
- 9 The Policy seeks to promote the following four licensing objectives:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance; and
 - the protection of children from harm.

Consideration

- 10 The COG process will be engaged. In accordance with the Government's Code of Practice on Consultation, 12 weeks will be allocated for the consultation and for the return of responses. It is proposed that between Monday 11 February and Friday 3 May 2019 the current Statement of Licensing Policy will be subject to broad 12-week public consultation. In addition to the statutory consultees, many other individuals, agencies and organisations considered to be affected by the policy have been identified and their comments will be invited.
- 11 The policy revision will be widely advertised in the local and regional press. It will also appear on the Council's website, where e-mail responses will be invited.

- 12 The new policy will look to adopt good practice as well as considering wider benefits such as a stance on Single Use Plastics and seek greater involvement from the responsible authorities and the public.

Conclusion

- 13 The Statement of Licensing Policy will be reviewed in accordance with Government guidance.

Background papers

- Statement of Licensing Policy – Durham County Council

<http://www.durham.gov.uk/media/1050/Licensing-Act-2003-Statement-of-Licensing-Policy/pdf/StatementLicensingPolicy.pdf?m=636634554310370000>

Other useful documents

- Licensing Act 2003
- Revised Guidance issued under Section 182 of the Licensing Act 2003

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Appendix 1: Implications

Legal Implications

The Licensing Authority are required under the Licensing Act 2003 prepare and publish a statement of its licensing policy every five years. The consultation, policy development and reporting process will involve DCC Legal Services.

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets.

Consultation

The consultation will take place over a 12 week period in accordance with Government guidance.

Equality and Diversity / Public Sector Equality Duty

An Equality Impact Assessment screening will be carried out during the policy review and take into consideration the results of consultation and any proposed changes to policy prior to adoption.

Human Rights

None.

Crime and Disorder

The Council's licensing policy forms a central part of the control and regulation of the evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Staffing

None.

Accommodation

None.

Risk

The existing 5 year Licensing Policy must be revised in accordance with statutory requirements.

Procurement

None.

Appendix 2: Review of the Licensing Act 2003 Policy - Review Time-Line

Dates	Action Point	Comments
May to October 2018	Development of consultation and policy engagement proposals	<ul style="list-style-type: none"> • Communications and policy matters • Create list of 'direct' consultees and consultation mechanisms • Reporting and engagement with key partners
October/November	Production of SMT report on review of LA2003 Policy	Set reporting dates Council and Committee dates not set for 2019
29 th November 2018	SMT agrees/recommends commencement of review process including 12-week public consultation process	Set reporting dates Council and Committee dates not set for 2019
9 th January 2019	CMT agrees/recommends commencement of review process including 12-week public consultation process	Set reporting dates Council and Committee dates not set for 2019
January/February 2019	Public consultation proposals signed off by COG	Consideration of proposed reporting, engagement, communication and promotion program
Monday 11 th February 2019	Start of 12-week public consultation period	Implementation of agreed reporting, engagement, communication and promotion program
Friday 3 rd May 2019	End of 12-week public consultation period	Collation and assessment of received responses
May/June/July 2019?	Development of revised draft proposals and completion of	Consideration of responses and available relevant information and data from various sources

	final draft for reporting to SMT	
June/July 2019	Proposed revised policy to SMT for consideration, comment and recommendation to CMT	Set reporting dates and insert any proposed changes and recommendations Council and Committee dates not set for 2019
July/August 2019	Proposed revised policy to CMT for consideration, comment and recommendation to General Licensing and Registration Committee	Set reporting dates and insert any proposed changes and recommendations Council and Committee dates not set for 2019
August/September 2019	Proposed revised policy to General Licensing and Registration Committee for acceptance and recommendation to Council	Set reporting dates and insert any proposed changes and recommendations Council and Committee dates not set for 2019
September/ by19th October 2019	Adoption of revised policy by Council	Set reporting dates and insert any proposed changes and recommendations Council and Committee dates not set for 2019

List of consultees

- All responsible authorities
- All persons / bodies throughout the County holding Premises Licences or Club Premises Certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons / bodies representative of local holders of Personal Licences
- Persons / bodies representative of businesses and residents in the County
- Safeguarding Children Board
- All Elected Members of Durham County Council
- Clerks of Town and Parish Councils throughout Durham County
- Crime and Disorder Reduction Partnership
- Durham CIU
- The British Beer and Pub Association
- The Federation of Licensed Victuallers
- British Institute of Inn Keeping (BIIB)
- Alcoholics Anonymous
- The Association of Licensed Multiple Retailers
- Equity
- County Durham Primary Care Trust
- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- NOCTIS
- Security Industry Authority
- Local MP's and MEP's
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Disability Groups
- North East Chamber Of Commerce
- Night Time Economy Managers
- Local Multi-Agency Problem Solving Groups
- Streetscene
- The Community Safety Team
- The Community Action Team
- Anti-Social Behaviour Team
- BALANCE North East
- Business Improvement Districts (BID)