



REPORT TO CABINET
17 November 2020

TITLE OF REPORT: **Review of Statement of Licensing Policy**

REPORT OF: **Peter Udall, Strategic Director, Economy, Innovation And Growth**

Purpose of the Report

1. To advise Cabinet of the requirement on the Council, in its capacity as a licensing authority to undertake a review of the Council's Statement of Licensing Policy under the Licensing Act 2003, and to carry out a consultation exercise as prescribed under section 5 of the Act.
2. To seek Cabinet's approval of proposed arrangements for dealing with the review process in the circumstances of the Coronavirus Pandemic as set out in this report.

Background

3. Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act. Such statements are to apply across a five year period and the Licensing Policy is required to be approved by Council.
4. The Council's current policy was agreed by Council at its meeting in December 2015, took effect on 7 January 2016 and applies up to 6 January 2021. The current Statement of Licensing Policy can be found at
<https://www.gateshead.gov.uk/media/2465/LICENSING-POLICY-2016-2021/pdf/LICENSING-POLICY-2016-2021.pdf?m=636383156942370000>
5. During each five year period the Council is required to keep its licensing policy in respect of the relevant five year period under review and to make such revisions as it considers to be appropriate.
6. The Council's current licensing policy would in normal circumstances have been reviewed during 2020, with a revised document having application from 7 January 2021. The review process requires a consultation process to be followed. Section 5(3) of the Act sets out the required consultees as follows:
 - o Northumbria Police
 - o Tyne and Wear Fire and Rescue Service
 - o Gateshead's Director of Public Health
 - o Representatives of the licensing trade and members clubs
 - o Local businesses and their representatives and
 - o Local residents and their representatives

Current position

7. Officers had planned to follow the process followed in previous years where a revised draft would be presented to Cabinet in June/July seeking authorisation to go out to consultation for a period of 3 months, and the final version following consultation and scrutiny by a policy advisory group presented to Cabinet in November or December and approved by Council for implementation in January.
8. The usual process has not been possible as a result of the Coronavirus Pandemic. It has not been, nor is it at present, an appropriate and satisfactory time to consult on a revised Licensing Policy with the licensed trade and businesses to any meaningful degree.
9. Consultation with the relevant stakeholders as set out in paragraph 6 of the report has begun in view of the prevailing timescales and to enable matters to be considered by Council in a timely manner prior to the existing Licensing Policy no longer having application. Consultees have been asked to consider whether, in the current circumstances the existing Statement of Licensing Policy be rolled forward as from and including 7 January 2021 to 6 January 2026 with a review of the policy being undertaken as soon as deemed appropriate to do so and as soon as reasonably possible within the five year period.

Proposal

10. Cabinet is asked to:

- a. Endorse and approve the consultation with the relevant stakeholders as set out in Paragraph 6 of this report.
- b. Recommend to Council that the existing Statement of Licensing Policy be rolled forward as from and including the 7 January 2021 to the 6 January 2026, with a review of the Licensing Policy being undertaken as and when deemed appropriate to do so within the stated five year period

Recommendations

11. It is recommended that:

- (i) the proposed consultation with relevant stakeholders is endorsed and approved.
- (ii) Cabinet recommends to Council that the existing Statement of Licensing Policy be rolled forward as from the 7 January 2021 to the 6 January 2026, with a review of the Licensing Policy being undertaken as and when deemed appropriate to do so within the stated five year period.

For the following reason:

To ensure that the Council continues to have a Licensing Policy in place from 7 January 2021.

APPENDIX 1

Policy Context

1. The adoption of the Statement of Licensing Policy will allow the Council to carry out its duties as a Licensing Authority under the Licensing Act 2003. The policy contributes to Thrive and also contributes to the Council's vision for a reduction in the harms associated with alcohol identified in Gateshead's Alcohol Harm Reduction Strategy.

Background

2. The Council is required to undertake a review of its Licensing Policy, publish its revised Licensing Policy and for it to be in force from 7 January 2020.
3. Officers had planned to follow the process followed in previous years where a revised draft would be presented to Cabinet in June/July seeking authorisation to go out to consultation for a period of 3 months, and the final version following consultation and scrutiny by a policy advisory group presented to Cabinet in November or December and approved by Council for implementation in January.
4. The usual process has not been possible as a result of the Coronavirus Pandemic. The majority of licensed premises were closed between 21 March and 4 July and since then have been subjected to Covid Secure requirements and restrictions which have had a huge impact on how they trade and operate and which have changed on a regular basis due to the introduction of guidance and laws aimed at mitigating public health risks. The Council, and partners including Northumbria Police, Tyne and Wear Fire and Rescue Service and Gateshead's Director of Public Health have had to divert much of their resource to responding to the pandemic throughout the last seven months. It has not been, nor is it at present, an appropriate and satisfactory time to consult on a revised Licensing Policy with the licensed trade and businesses to any meaningful degree.
5. There has been some uncertainty on the part of licensing authorities about whether the Government would issue some form of dispensation to allow authorities to delay their Licensing Policy reviews until an appropriate time, perhaps in early 2021 once the difficulties posed by the current Coronavirus Pandemic have eased. In recent months the North East Strategic Licensing Group has been active alongside the Local Government Association in making representation to the Home Office regarding the difficulties being faced by Councils and licensed businesses in complying with the policy review requirements as a result of the Pandemic.
6. On 9 October 2020, the Council was made aware of a letter dated 1 October 2020 sent by the Right Honourable Kit Malthouse MP, Minister of State from Crime and Policing, to the Leaders of Westminster, Birmingham, Leeds and Manchester City Councils. A copy of this letter is attached at Appendix 2. The Ministers letter is in response to requests made by the Councils for a two year pause of the statutory requirement to review Statements of Licensing Policy.
7. In his letter the Minister stated that there are currently no provisions to alter the statutory timeframe for undertaking five yearly reviews of Statements of Licensing

Policy. As to how Councils can look to meet their statutory obligations in this regard the Minister suggested the following:

“in particular, when consulting on your statement of licensing policy, you could consider if it would be appropriate to undertake the statutory consultation on the basis that you propose to roll forward your existing statement of licensing policy in its current form and consider any representations that you receive in response. As you know, statements of licensing policy last for a maximum of five years but you are required to keep your statement under review during that period, and to make revisions if appropriate before that period has expired. You may, therefore, want to consider committing to a further review when it is feasible to do so after the pandemic has passed”

Consultation

8. Consultation with the relevant stakeholders as set out in paragraph 6 of the report has begun in view of the prevailing timescales and to enable matters to be considered by Council in a timely manner prior to the existing Licensing Policy no longer having application. Consultees have been asked to consider whether, in the current circumstances the existing Statement of Licensing Policy be rolled forward as from and including 7 January 2021 to 6 January 2026 with a review of the policy being undertaken as soon as deemed appropriate to do and as soon as reasonably possible within the five year period.

Alternative Options

9. There is no alternative to the statutory requirement to have a Licensing Policy in place from 7 January 2021

Implications of Recommended Option

10. Resources:

- a) **Financial Implications** – The Strategic Director, Resources and Digital confirms there are no implications arising from the proposals in this report.
- b) **Human Resources Implications** – none
- c) **Property Implications** - none

11. Risk Management Implication - the proposal mitigates the risk of Gateshead Council not having a Licensing Policy approved by Council in place from 7 January 2021

12. Equality and Diversity Implications - none

13. Crime and Disorder Implications – none

14. Health Implications - none

15. Climate Emergency and Sustainability Implications - none

16. Human Rights Implications - none

17. Ward Implications - this applies to all wards equally

Background Information

18. Licensing Act 2003

Gateshead Council's Statement of Licensing Policy 2016-2021