

TITLE OF REPORT: Statement of Licensing Policy 2016 - 2021

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. The purpose of this report is for Cabinet to approve and recommend to Council a revised Licensing Policy for 2016 – 2021 in accordance with the Licensing Act 2003.

Background

2. The Council is the licensing authority for the borough for the purposes of the Licensing Act 2003. The Act requires licensing authorities to prepare and publish a statement of its policy every five years.
3. The Policy seeks to achieve the licensing objectives, namely:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance; and
 - The protection of children from harm
4. On 14 July 2015 Cabinet gave approval for a widespread public consultation on a draft revised Statement of Licensing Policy. The consultation took place over a 12 week period between July and October 2015.
5. The responses to the consultation were considered by a Policy Advisory Group on 18 November 2015 and advice was given as to how the draft policy should be amended. Notes from the meeting are attached in Appendix 2.
6. An executive summary of the Statement of Licensing Policy is attached at Appendix 3 and the full Policy is attached at Appendix 4.

Proposal

7. Cabinet is asked to recommend the Council to approve the revised Statement of Licensing Policy.

Recommendations

8. Cabinet is asked to recommend the Council to approve the adoption of the Statement of Licensing Policy and its publication in accordance with the requirements of the Licensing Act 2003.

For the following reason:

To ensure that the Council's functions under the Licensing Act 2003 can be discharged effectively.

CONTACT: Elaine Rudman

extension: 3911

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. It contributes towards the refreshed Vision 2030, Gateshead's Sustainable Community Strategy and to the Council Plan. The policy contributes to the Council's vision for a reduction in the harm associated with alcohol set out in the Substance Misuse Strategy.

Background

2. Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every five years. The policy must be published before the authority carries out any licensing function in relation to applications made under the Act.
3. Revised Guidance under Section 182 of the Licensing Act 2003 from the Home Office in March 2015 stipulates what licensing authorities should include in their licensing policies, and how they should consult with specified stakeholders prior to adopting their policy.

Consultation

4. A draft policy document was subject to a widespread public consultation between 23 July and 16 October 2015.
5. Consultation took place with a wide range of persons and organisations with an interest in the provision of licensable activities including:
 - The chief officer of police for the area
 - The fire and rescue authority for the area
 - Persons/bodies representative of local holders of premises licences
 - Persons/bodies representative of local holders of club premises certificates
 - Persons/bodies representative of local holders of personal licences
 - Persons/bodies representative of businesses and residents in the area

Consultation also took place with Gateshead's Community Safety Partnership, those charged locally with the promotion of economic growth and tourism and individuals and organisations with an interest in the regulation of licensable activities both locally and nationally. The Cabinet Members for Environment and Transport have been consulted.

6. Nine responses to the consultation were received, and a Policy Advisory Group considered these on 18 November 2015. The Group gave advice for amendment to the draft policy and guidance to incorporate some of the feedback received from the consultees. The advice given by the Policy Advisory Group is attached in Appendix 2.
7. The draft policy has been revised in accordance with the advice of the Policy Advisory Group.

Alternative Options

8. No alternative options are considered appropriate as the Licensing Authority has a statutory duty under the Licensing Act 2003 to prepare and publish a statement of its policy at this time.

Implications of Recommended Options

9. Resources:

a) Financial Implications – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.

b) Human Resources Implications – There are no human resources implications from the recommended options.

c) Property Implications - There are no property implications from the recommended options

10. **Risk Management Implications** - There are no risk management implications from the recommended options.

11. **Equality and Diversity Implications** - an Equality Impact and Needs Assessment of the policy has indicated a neutral impact.

12. **Crime and Disorder Implications** – There are no crime and disorder implications from the recommended options.

13. **Health Implications** – While health is not an objective of the Licensing Act 2003 the revised policy contributes to the Council’s vision for a reduction in the harm associated with alcohol.

14. **Sustainability Implications** - There are no sustainability implications from the recommended options

15. **Human Rights Implications** - There are no human rights implications from the recommended options

16. **Area and Ward Implications** - This report affects all wards equally.

Background Information

17. These documents that have been considered in preparation of the report:

- Licensing Act 2003
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Policy Advisory Group – 18 November 2015**Report to Cabinet**

Purpose of the Meeting

The purpose of the meeting was to consider the responses to the recent public consultation on the draft Statement of Licensing Policy and how the draft policy should be amended before returning to Cabinet with the final policy for approval by Council.

Elaine Rudman, Environmental Health, Licensing & Enforcement Manager outlined the duty of Licensing Authorities to prepare and publish a statement of licensing policy every five years and confirmed that the next statutory period begins on 7 January 2016.

Summary of Advice:

- It was felt that more explicit reference to concerns about multiple drinks promotions be contained in the policy and that it should include a statement about responsible product placement.
- It was agreed that the statement about the sale of alcohol from petrol stations / garages should be strengthened.
- It was agreed that the protection of children from alcohol related harms should be emphasised in the policy, in particular around restricting external shop promotions of alcohol in the vicinity of schools.
- Following the response to the consultation from Star Pubs and Bars Ltd it was agreed that the automatic entitlement to gaming machines requires notification and that the policy sets out general expectations rather than specific requirements.
- The Advisory Group agreed that there should be more enforcement around the requirement to display a drinks price list.
- Following the response from Campaign for Real Ale it was acknowledged that the flexibility given to licensing authorities to restrict opening hours was fundamental to the Act.
- In relation to the response from Campaign for Real Ale it was acknowledged that the Local Licensing Guidance would address public transport to and from pubs.
- Following the response to the consultation from Campaign for Real Ale the Advisory Group recognised that Late Night Levys can only be introduced following a full consultation process.
- The Advisory Group agreed that the response from Campaign for Real Ale around encouraging community pubs to become assets of community value was not relevant to the promotions of the licensing objectives.
- The Advisory Group agreed with the response from Newcastle Gateshead CCG that the policy shows a commitment to address health harms.

- It was agreed that the age verification standard should be increased from 18 to 25.
- The Advisory Group agreed that the policy should clarify record keeping about training and the maintenance of a register of refusals and proxy sales to adults.
- The Advisory Group suggested that the potential of promoting the policy in schools should be looked at.
- It was agreed that the reference to 'Designated Public Place Orders' be changed to 'Public Space Protection Orders'.
- It was agreed that it should be included in the policy that there is an expectation that off sales premises would not normally be open 23:00 – 07:00.
- The Advisory Group agreed that it should be included in the policy that there is an expectation that a designated premises supervisor will be involved in the premises.

Chair: Councillor B Clelland

Members Present: Councillors M Hood and M Graham

Officers Present: Elaine Rudman – Communities and Environment
Roselyn White – Corporate Services and Governance

**Licensing Policy 2016 – 2021
Executive Summary**

Gateshead Council has a statutory duty to publish a statement of its licensing policy every five years. The purpose of the policy is to set out what this Licensing Authority expects of the people that it authorises to carry out licensable activities, the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment in the Borough.

The Policy seeks to achieve the four licensing objectives of the Licensing Act 2003, namely –

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

and sets out the issues that are of particular relevance or concern within Gateshead and the approaches that the Licensing Authority would expect responsible licensees to take into account in order to promote these objectives.

This revised policy for 2016 – 2021 reflects the significant changes that have taken place in Gateshead over the last five years and the potential for further change in the future. It seeks to address the impact of licensable activities on local communities and individuals and to provide a wide range of relevant information for those who seek to carry on licensable activities within localities.