

Allerdale Borough Council

Licensing Committee – 20 November 2020

Review of Statement of Licensing Policy 2021

Portfolio holder Councillor Jim Lister

Report from Gillian Collinson

Wards affected All Wards

Is this a key decision Yes

1.0 The reason for the decision

1.1 To recommend a new Statement of Licensing Policy for 2021-2026 to be adopted by Council after considering the proposed amendments to the policy by Officers and responses received to the statutory consultation.

2.0 Recommendations

2.1 To review the amendments and proposals and determine their inclusion or otherwise, giving full reasons for decisions and to recommend a new policy for adoption.

3.0 Background and Introduction

3.1 Section 5 of the Licensing Act 2003 ('the Act') requires a licensing authority to prepare and publish a 'Statement of Licensing Policy' at least every five years. It must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Act. During the five year period, the policy must be kept under review and revisions should be made to it as appropriate. The current policy came into effect on 7 January 2016 and is now due to be reviewed. A revised statement is to be published by 7 January 2021.

3.2 Guidance issued under Section 182 of the Act provides guidance on the development and preparation of statements of licensing policy for publication by local authorities. It also provides guidance in respect of the general principles that are recommended should underpin them, and core content to which licensing authorities are free to add.

- 3.3 The determination of the Statement of Licensing Policy is not a Licensing Committee function but it is intended that the recommendations of this committee will be referred to Council for their consideration when formally adopting a new policy on 9 December 2020. The revised policy will then be published.
- 3.4 The Act stipulates who should be consulted when reviewing the policy. The views of all these persons or bodies should be given appropriate weight when the policy is determined. This does not prevent other bodies or persons from being consulted. Details of those consulted are contained in paragraph 4.2.

4.0 Content

- 4.1 Prior to consultation, the draft document was formulated by the Senior Licensing and Compliance Officer, taking into consideration the latest guidance from the Secretary of State, together with any changes necessary in view of amendments to legislation and local changes. These proposed changes can be found at Appendix 1.
- 4.2 The draft document was published for consultation between 16 October 2020 and 13 November 2020. The Act states as a minimum who must be consulted. These are:
- The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Director of Public Health for the area;
 - Persons/bodies representative of local premises licence holders;
 - Persons/bodies representative of local club premises certificate holders;
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.

The following were consulted:

- All responsible authorities (Cumbria Constabulary, Cumbria Fire and Rescue Service, Health and Safety Executive, Environmental Health Department, Planning Department, Lake District National Park Authority, Cumbria Safeguarding Children Partnership, Cumbria County Council Public Health, Trading Standards and the Home Office);
- All Councillors;
- All town/parish councils;
- Housing Associations;
- British Transport Police;

The consultation was:

- advertised in the Times and Star and Cumberland News;
- published in three Allerdale Borough Council newsletters. One of these newsletters was published on 16 October 2020 and was circulated to 593 people who subscribe to news about consultations and engagement. This just had the one item being the licensing policy review. The others were published on 20 October 2020 to a combined subscriber base of 1505

people who subscribe to “Local Business, trade waste, NNDR, licensing and procurement” topics and to “Economic Growth, planning, building control, towns and housing” topics. These contained news of the licensing policy review and a consultation from planning policy, and;

- published on the Allerdale Borough Council website.

4.3 The responses received to the consultation were compiled into a document with an initial assessment and recommendation as to whether they should be included or not, and reasons were given for each. These can be found at Appendix 2. They have not been incorporated into the draft licensing policy which can be found at appendix 3. These will be incorporated following Members’ assessment.

5.0 Delivery arrangements

5.1 The policy is designed to promote the four licensing objectives contained within the Licensing Act 2003 which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

5.2 The policy seeks to reinforce and develop measures to improve the safety of the public and minimise the risk of crimes against them, to mitigate the effects of regulated activities upon the communities in which the activities are held, and to protect children from inappropriate activities.

5.3 The policy also seeks to provide useful information to those who provide, or wish to provide, regulated activities. It seeks to assist them in understanding the policies which will be applied and to understand that each application will be treated equitably having regard to the policy.

5.4 It is also the aim of the policy to provide information to communities about the Authority’s approach to particular licensing considerations and to assist them in addressing matters affecting them arising from the provision of regulated activities.

5.5 Following adoption, the policy will be delivered on a continuous basis by:

- officers when advising and administering applications
- the Licensing Panel and Licensing Committee when determining applications or reviews referred to them as a result of representations received by the Responsible Authorities or Interested Parties, and
- by any revisions required to the Statement of Licensing Policy.

6.0 Implications and Impact

6.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

- Council Strategy 2020-2030 – This Statement of Licensing Policy contributes towards the Council achieving its strategic objectives by:
 - helping to create Thriving Towns and Villages where visitors and residents can enjoy a range of leisure and cultural activities, and
 - by supporting Resilient Communities helping to make sure that people can stay safe and feel safe in their everyday lives and helping to create safe, strong and inclusive communities.

- West Cumbria Community Safety Partnership Plan – The implementation of the licensing policy reduces crime and disorder related to licensable activities.

- Joint Public Health Strategy - effective licensing policy and practices will help to address some of the wider determinants of health and wellbeing identified as priorities in this strategy, in particular supporting the aim ‘To reduce crime and antisocial behaviour and to ensure that people in Cumbria retain low levels of fear of crime across the whole County’.

- Local Transport Plan – By promoting safe access to licensed events, this helps support the LTP.

- Economic Growth Strategy - Licensable activities and businesses are a key part of a vibrant and diverse local economy, forming part of the local business base and also helping to attract and keep business in our area by making our towns and villages attractive places for employees to live.

6.2 Finance/Resource implications

Application fees are statutory and are intended to provide full cost recovery of all the licensing functions related to the Licensing Act 2003, including the preparation and publication of a Statement of Licensing Policy, but this will be based on statutory requirements. Where these requirements are exceeded, the licensing authority must absorb these costs itself.

The process of reviewing the policy has been carried out in the most economical way possible and predominantly by email to the responsible authorities. To reach as many of the other statutory consultees as possible, advertisements were placed in the Times & Star and Cumberland News. Advertisements were also contained in newsletters sent to relevant subscribers and on the Allerdale Borough Council website.

The direct cost of advertising was £767.05. There would be no impact on the revenue budget or capital budget.

6.3 Legal and governance implications

When making a licensing decision, the Licensing Authority must have regard to the Licensing Act 2003, the accompanying Secretary of State guidance and the Statement of Licensing Policy. It may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. However, it is important that full reasons should be given for departing from its published statement of licensing policy.

The Statement of Licensing Policy should indicate how the licensing authority intends to approach its various functions. Many of the decisions and functions are purely administrative in nature and the policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness. Many types of application which do not receive representations must be granted by the licensing authority and should be dealt with by officers in order to expedite matters. The Secretary of State's guidance accompanying the Licensing Act 2003 does contain a recommendation as to how the delegation should be approached and this table of recommended delegation of functions has always been contained in the policy.

One proposed change to the delegation (appendix 1, page 34 in the draft policy) is the addition of the Determination of a Film Classification. This is usually referred to the Licensing Committee to determine but it is being proposed that in all cases it is referred to Officers to determine. In most cases this would be where the Licensing Authority is approached to classify small, local, independent films, or foreign films where a wider UK release is not intended. To achieve consistency the guidelines published by the British Board of Film Classification (BBFC) would always be used. As with all delegations, officers may refer a matter to the Panel, the Panel to full Committee and the Committee to Council. The proposal is to make the process faster, particularly as an officer would have watched the film and highlighted areas of concern and made recommendations in line with the BBFC guidelines to the Licensing Committee.

6.4 Risk analysis

Not relevant to this report

6.5 Increasing satisfaction and service

The purpose of the Statement of Licensing Policy is to provide a framework for the Licensing Authority in relation to the carrying out of their functions under the Licensing Act 2003. It provides information to those who run licensed premises, their legal advisors and the general public, thereby assisting with the application process. It improves transparency by demonstrating a consistent approach to the application of licensing powers, promoting fairness and equal treatment which is particularly relevant for licence holders having numerous premises across the authority area. By highlighting the best practice expected across our licensed premises, this achieves consistency and visitors and customers can feel safe and secure.

6.6 Equality impacts

An Equality Impact Analysis has been completed and no adverse impacts from the policy have been identified.

6.7 Health and Safety impacts

The nature of the policy is to demonstrate how Allerdale Borough Council will promote the four licensing objectives, one of which is public safety, and the expectations required from licence holders and applicants.

6.8 Health, wellbeing and community safety impacts

The nature of the policy is to demonstrate how Allerdale Borough Council will promote the four licensing objectives and its expectations of licence holders and applicants for licences. These include the prevention of crime and disorder, public safety and protection of children from harm.

6.9 Environmental/sustainability impacts

The nature of the policy is to demonstrate how Allerdale Borough Council will promote the four licensing objectives which includes public safety and public nuisance and its expectations of licence holders and applicants for licences.

6.10 Other significant implications

There are no significant implications.

Appendices attached to this report

Appendix number	Title of appendix
1	Senior Licensing and Compliance Officer amendments to draft policy prior to consultation
2	Responses to consultation
3	Draft Statement of Licensing Policy
4	Equality Impact Analysis

Background documents available

Name of background document	Where it is available

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