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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Heather Bowers

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Tel direct: 01670 622609

Date: 16 August 2021

Dear Sir or Madam,

Your attendance is requested at a virtual meeting of the **LICENSING COMMITTEE** to be held on **TUESDAY, 24 AUGUST 2021** at **2.00 PM** or on the rising of the **Licensing and Regulatory Committee, whichever is the later.**

Yours faithfully

Daljit Lally
Chief Executive

To Licensing Committee members as follows:-

J Beynon, T Cessford, D Ferguson, J Foster, B Gallacher, C Hardy, C Humphrey (Vice-Chair), JI Hutchinson (Chair), S Lee, K Nisbet, K Parry, A Sharp, C Seymour, C Taylor and A Wallace

Any member of the press or public may view the proceedings of this meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving around but can be removed when seated, social distancing should be maintained, hand sanitiser used regularly and members are requested to self-test twice a week at home, in line with government guidelines.



Daljit Lally, Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. MEMBERSHIP AND TERMS OF REFERENCE

15 Members (7:5:1:1:1)

(same membership and chair/ vice chair as Licensing and Regulatory Committee)

Quorum - 4

Chair: I. Hutchinson

Vice Chair: C. Humphrey

Conservative	Labour	Independent Group	Liberal Democrats	Green Party	Ind Non-Grouped
J. Beynon	B. Gallacher	C. Taylor	A. Sharp		S. Lee
T. Cessford	J. Foster				
D. Ferguson	K. Nisbet				
C. Hardy	K. Parry				
C. Humphrey	A. Wallace				
I. Hutchinson					
C. Seymour					

Terms of Reference

- (1) The Licensing Committee will exercise all the powers and duties of the Council under the Licensing Act 2003 and the Gambling Act 2005, except for those functions that are reserved to the Council.
- (2) The Licensing Committee may arrange for any functions which it exercises to be discharged by:-
 - (a) a Sub Committee established by it; or
 - (b) an officer of the Council as Licensing Authority.

The Committee will report to the Council on any such arrangements it may make.

- (3) Where the Licensing Committee exercises the function of determining any application or similar matter, it will do so through a Sub Committee.

2. APOLOGIES FOR ABSENCE

3. MINUTES

(Pages 1
- 4)

Minutes of the meeting of the Licensing Committee, held on Wednesday 11 February 2021, as circulated, to be confirmed as a true record and signed by the Chair.

4. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact the Monitoring Officer – monitoringofficer@northumberland.gov.uk. Please refer to the guidance on disclosures at the rear of this agenda letter.

5. REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

(Pages 5
- 8)

(1) Statement of Licensing Policy

To advise Members of a proposed consultation regarding the Statement of Licensing Policy.

6. FUTURE MEETINGS

Future meetings of the Licensing Committee will commence at 2.00 pm and take place on:

Wednesday 27 October 2021
Wednesday 15 December 2021
Wednesday 16 February 2022
Wednesday 27 April 2022

7. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

1. Registerable Personal Interests – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

2. Non-registerable personal interests - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3. Non-participation in Council Business

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.

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NORTHUMBERLAND COUNTY COUNCIL

LICENSING COMMITTEE

At a virtual meeting of the **Licensing Committee** held on Thursday, 11 February 2021 at 2.30 p.m.

PRESENT

Councillor I Hutchinson
(Chair, in the Chair)

MEMBERS

L Bowman
T Cessford
B Crosby
R Gibson
J Lang
K Parry

W Pattison
G Roughead
C Seymour
A Sharp
KG Stow

OFFICERS

T Hardy
N Masson
P Soderquest

N Turnbull
D Wilson

Licensing Manager
Principal Solicitor
Head of Housing and Public
Protection
Democratic Services Officer
Business Compliance and Public
Safety Manager

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell, Purvis and Wilson.

10. MINUTES

The minutes of the meeting of the Licensing Committee held on Wednesday 26 February 2020, as circulated be confirmed as a true record and signed by the Chair.

Ch.'s Initials.....

REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

11. Statement of Licensing Policy

The purpose of the report was to advise the Committee of delays in the consultation process associated with the review of the Council's Statement of Licensing Policy. (A copy of the report is attached to the signed minutes).

Philip Soderquest, Head of Housing and Public protection, explained that the Licensing Act 2003 required licensing authorities to prepare and publish a statement of its licensing policy every 5 years. The process included consultation with the hospitality industry, however, the closure of licensed premises and furloughing of staff, due to the Covid 19 pandemic, had meant that it had been impossible to adequately consult with interested parties.

The Local Government association had received advice from the Home Office that the process could be delayed, provided work was progressed once normality returned.

The Head of Housing and Public Protection made reference to the comments made at the earlier meeting of the Licensing and Regulatory Committee about holding workshops as part of the consultation process. He also enquired whether sections of the Licensing Policy be brought to future meetings as part of the review process. This was welcomed by the Chair who suggested that this commence after the local elections scheduled to be held on 6 May 2021.

The Chair proposed that the current Statement of Licensing Policy remain in effect, until such time that it was possible to prepare and consult on a revised policy. This was seconded by Councillor Sharp and unanimously agreed.

RESOLVED that:

- a) The contents of the report be noted.
- b) The Council be recommended to agreed that the Statement of Licensing Policy 2015-20, remain in effect until such time that it was possible to prepare and consult on a revised policy.

12. Covid 19 on Licensed Premises

The purpose of the report was to provide Members with information regarding legislation put in place to protect the population from risk of infection arising from Covid 19, and the impact on, on-licensed premises. (A copy of the report is attached to the signed minutes).

Darin Wilson, Business Compliance and Public Safety Manager, set out the activity that the Public Protection Service, as the lead service for responding to regulatory issues and compliance associated with Covid 19 legislation in respect of businesses. He was pleased to report that compliance by

businesses in Northumberland had been very high and businesses were to be applauded. He reported that:

- License fee income in relation to the hospitality industry had reduced by 75%.
- The number of drivers and vehicles licensed had reduced by 33%.
- 5 Direction Notices had been issued to close premises, due to the severity of breaches and risk to public health.
- 6 fixed penalty notices had been issued for less severe breaches of the regulations, such as individuals being served at the bar when it should have been table service only.

The Head of Housing and Public Protection described the complexity of the legislation and the short period of notice they were given of changes between announcements and implementation. Enquiries and complaints had increased in complexity. Their main priority had been the protection of public health, given the severity of disease. The next announcement regarding easing of restrictions of the third national lockdown was awaited on 22 February 2021. He was very proud of how the service had responded to the challenges of the pandemic and the willingness of staff to work evenings and weekends.

The Chair and Members expressed their appreciation to staff and also businesses, some of whom had responded in innovative ways to ensure their businesses could remain open and Covid compliant. They acknowledged the severest risk to public health was death, and therefore they thanked officers for their efforts to save lives, which they and their communities appreciated.

In answer to questions, it was confirmed that:

- Approximately 50% of the complaints investigated had been justified. This was mostly due to a lack of understanding on what businesses could and could not do.
- The number of complaints received had been lower during national lockdowns.
- The highest number of complaints had been received in the period immediately after premises had reopened on 4 July 2020.
- Fines of £1,000 had been issued as fixed penalty notices to 6 premises. None of these, or the 5 premises which had been closed, had so far appealed against the action. They had a period of 6 months to appeal to the Magistrates Court.
- The service had been provided by the redirection of resources from other areas, recruitment of additional members of staff funded by LA7 resources identified for education and enforcement, and also the claiming of costs via Government grant.
- They used the “4 Es: Engage, Explain, Encourage, Enforce”. Enforcement and the issuing of fixed penalty notices and direction notices to close, had been issued when premises had not been managed, face coverings had not been worn, no social distancing, no record taking etc.

- Meetings were held every Monday with Northumbria Police to discuss where the highest rates of infection were located, and officers were sent to those areas.
- Reference was made to the work that had been undertaken in recent weeks to prevent an illegal rave in rural Northumberland where over 1,000 tickets had been sold. A small minority of residents had little or no regard of the risk to health that the virus posed, and were prepared to meet in large numbers, contributing to the extension of restrictions.

RESOLVED that the information be noted.

13. DATE OF NEXT MEETING

The next meeting was scheduled to be held on Thursday 29 April 2021 at 2.00 p.m.

CHAIR _____

DATE _____



Northumberland County Council

COMMITTEE: **LICENSING**

DATE: 24TH AUGUST 2021

TITLE OF REPORT Statement of Licensing Policy

Report of Philip Soderquest, Head of Housing & Public Protection

Cabinet Member: Cllr Colin Horncastle, Portfolio Holder, Community Services

Purpose of report

To advise Members of a proposed consultation regarding the Statement of Licensing Policy

Recommendations

That Members note the content of the report and intention to undertake consultation, the outcome of which will be reported back to the Committee, at which time any proposed revisions to the report will be discussed and agreed prior to recommending adoption by Council. .

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021.

Key issues

1. The Council has in place a Statement of Licensing Policy which was agreed in July 2015 and was due to be reviewed in 2020.
2. When determining the Statement of Licensing Policy, The Licensing Authority must have regard to the guidance issued by the Home Office, consult with appropriate bodies and individuals and apply appropriate weight to the views of those consulted. The Licensing Authority must consult with responsible authorities, representatives of existing premises licence holders, persons representative of existing Club Premises Certificate holders, and such other persons the Council considers representative of business and residents in its area
3. Whilst the statement of licensing policy may set out a general approach to the exercise of functions under the Act, no statement can override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally, the statement must not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

- Officers are not proposing any significant changes to the policy and are proposing to seek the views of consultees as to whether changes are required.

Background

- 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.
- The Licensing Act 2003 imposes upon councils a statutory obligation to re-consult on their policy statements every five years.
- The policy was scheduled to be reviewed in 2020 but due to enormous impact of Covid 19 restrictions on the licensed trade, the closure of many of the licensed premises and the furlough of a significant proportion of their staff it made it impossible to adequately consult with the industry.
- The North East Strategic Licensing Group (NESLEG) last year sought clarity from the Local Government Association (LGA) with the Home Office, whether the scheduled Licensing Act Policy Reviews could be delayed to such a time that adequate consultation could take place with the hospitality industry.
- The LGA advised that under the circumstances it was considered acceptable by the Home Office to delay the process, provided work was progressed once some level of normality has returned.
- On 11th February 2021 the Licensing Committee agreed to maintain Northumberland's current Licensing Act Policy until the implementation of a revised policy later in 2021.
- It is now proposed that consultation will commence with the trade and Responsible Authorities, for a period eight weeks, which will afford the Licensing Authority an opportunity for meaningful consultations with the industry.

Implications

Policy	The Licensing Act 2003 requires the Council as the Licensing Authority to prepare a statement of licensing policy that states its position in relation to its duties under the Act and to guide its work.
Finance and value for money	
Legal	The Licensing Act 2003 imposes upon councils a statutory obligation to re-consult on their policy statements every five years.
Procurement	Not applicable

Human Resources	Consultation with the appropriate trade and organisation will require staffing resources
Property	Not applicable
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Risk Assessment	None
Crime & Disorder	none
Customer Consideration	Before making changes to policy consultation with those affected should take place.
Carbon reduction	Not applicable
Health and Wellbeing	Not applicable. Public health is not a licensing objective.
Wards	All

Background papers:

Licensing Act 2003
Licensing Act 2003 Guidance
Statement of Licensing Policy

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	Daljit Lally
Portfolio Holder(s)	Colin Horncastle

Author and Contact Details

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