



Northumberland

County Council

COUNCIL

DATE: 4 MAY 2022

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 the outcome of the consultation regarding the Statement of Licensing Policy

Recommendations

1. That Members note the outcome of the consultation exercise, the content of the report and discuss and agree proposed amendments or revisions to the Statement of Licensing Policy.
2. That the revised Statement of Licensing policy be adopted for the period 2022 – 2025, as recommended by the Licensing Committee.

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.

4. Views and comments were sought of consultees as to whether changes are required as Officers did not propose any significant changes
5. Minor amendments have been made to the policy to reflect updates within legislation and guidance, the Council's Corporate Plan and its Vision, Values and Priorities, and any links with other Council Strategies and Policies which have been updated since 2015.
6. The Licensing Committee agreed the amendments and for the policy to be forwarded to Council.

Background

1. 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.
2. The Licensing Act 2003 imposes upon councils a statutory obligation to re-consult on their policy statements every five years.
3. 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 considerable proportion of their staff it made it impossible to adequately consult with the industry.
4. 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.
5. 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.
6. 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.
7. On the 24th August 2021 it was agreed that the outcome of the consultation be reported back to Committee where any proposed revisions to the policy would be discussed and agreed prior to recommending adoption by Council.
8. The consultation which ended on the 19th November 2021 took place with the trade, Responsible Authorities, and appropriate bodies. Eight responses were received to the consultation (**Appendix A**).
9. General amendments have been made to the policy to update it in relation to changes on legislation or guidance (**Appendix B**).

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.
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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

Appendices

Appendix A – Consultation responses

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	Lynsey Denyer

Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	Councillor Colin Horncastle

Author and Contact Details

Heather Gebbie, Senior Licensing Officer

Tel: 01670 623738

E-mail: heather.gebbie@northumberland.gov.uk