

AGENDA ITEM
REPORT TO CABINET
12 NOVEMBER 2020
REPORT OF SENIOR
MANAGEMENT TEAM

CABINET / COUNCIL DECISION

Access, Communities and Community Safety – Lead Cabinet Member Councillor Steve Nelson

The Licensing Act 2003 –Statement of Licensing Policy Review 2020.

SUMMARY

To inform Cabinet of a proposal to readopt the current Statement of Licensing Policy which is statutorily due to renew by January 2021 until such a time as temporary legislation etc terminates and there is sufficient and meaningful consultation carried out with licence holders in the hospitality trade and relevant stake holders.

REASONS FOR RECOMMENDATIONS

Under the Licensing Act 2003 Local Authorities must develop and review their Statement of Licensing Policy at least every five years, choosing to readopt the current policy at this time provides a pragmatic and fair approach to all those working within the licensable activity sector, whilst continuing to meet our statutory obligations under the Licensing Act 2003.

RECOMMENDATIONS

It is recommended that Cabinet

1. Note the content of this report.
2. Recommend to Council that the current Statement of Licensing Policy is readopted

DETAIL

1. The Licensing Act 2003 places a statutory requirement on all Local Authorities to develop a Statement of Licensing Policy, and policies are to be reviewed at least every five years. Stockton-on-Tees Borough Council's policy is scheduled to be renewed in January 2021.
2. The current Statement of Licensing Policy was adopted in January 2016 and can be found at: <https://www.stockton.gov.uk/media/877189/licensingactpolicy2016.pdf>

3. Recent Government advice is for local authorities to readopt the current Statement of Licensing Policy given the impact of COVID 19 on the licensed trade, the revised government regulations and current rules impacting the trade.
4. This provides a pragmatic and fair approach to all those working within the licensable activity sector, whilst continuing to meet our statutory obligations under the Licensing Act 2003.
5. The proposal to readopt the current Statement of Licensing Policy was circulated for response to Responsible Authorities under the Licensing Act 2003 and relevant Members, as well as being advertised on the Licensing website and within all library notice boards. Comments were to be received by 26 October 2020. No comments objecting to the proposal were received.
6. The Licensing Authority plan to consult with licence holders in the hospitality trade and relevant stakeholders as and when the trade regains some degree of normal trading.

COMMUNITY IMPACT IMPLICATIONS

This proposal will uphold the licensing objectives whilst meeting our statutory obligations under the Licensing Act 2003. This is a temporary measure to support the trade while ongoing restrictions are in place, it is uncertain how long the current measures will be in place.

FINANCIAL IMPLICATIONS

Licensing Act 2003 fees statutorily set and are not affected by this proposal.

LEGAL IMPLICATIONS

The implementation and operation of the Statement of Licensing Policy will be done in accordance with the Licensing Act 2003 and associated guidance.

RISK ASSESSMENT

The risks associated with the Statement of Licensing Policy are mitigated by the administration and enforcement provisions of The Licensing Act 2003 and associated guidance.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

The administration and enforcement provisions within the Licensing Act 2003 and associated guidance assist officers in dealing with problem premises and can lead to the revocation of a licence.

CORPORATE PARENTING IMPLICATIONS

None.

CONSULTATION INCLUDING WARD/COUNCILLORS

The Cabinet Member for Access, Communities and Community Safety has been consulted, along with Members, Responsible Authorities under the Licensing Act 2003 and the public.

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Education related? No

Background Papers

<https://www.stockton.gov.uk/media/877189/licensingactpolicy2016.pdf>

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Ward(s) and Ward Councillors:

Not applicable – does not relate directly to specific wards.

Property

Not applicable.