

AGENDA ITEM

REPORT TO HEALTH AND WELLBEING BOARD

30 SEPTEMBER 2015

REPORT OF: TRADING STANDARDS & LICENSING

REVIEW OF STATEMENT OF LICENSING POLICY MADE UNDER THE LICENSING ACT 2003

SUMMARY

The purpose of this report is to bring to the attention of the Health and Wellbeing Board, the Council's draft revised Statement of Licensing Policy which is currently under review.

RECOMMENDATIONS

It is recommended that the Health and Wellbeing Board:

1. Note the contents of this report.
2. Make any comments on the draft revised Policy which can be fed into the consultation process.

MAIN REPORT

1. Stockton-on-Tees Borough Council is required by the Licensing Act 2003 to publish a Statement of Licensing Policy that sets out its guiding principles for making licensing decisions under the Act. The Statement of Licensing Policy needs to be renewed every five years. The current Policy Statement took effect in January 2011 and is therefore due for renewal in January 2016.
2. The Licensing Act 2003 is concerned with regulating the carrying on of licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Act. The licensable activities are:-
 - The sale and supply of alcohol.
 - The provision of regulated entertainment.
 - The provision of late night refreshment (hot food and drink provided at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises).
3. The Authority carries out its function under the Act with a view to promoting the four licensing objectives:-
 - The prevention of crime and disorder.
 - The prevention of public nuisance.
 - The protection of children from harm.
 - Ensuring public safety.

4. In carrying out its duties under the Act the Authority will look to balance the needs of residents, customers and business owners and in doing this will be guided by the Act's four licensing objectives. The Statement of Licensing Policy provides a local framework for this process and a copy of the revised draft is attached at Appendix 1.
5. Although health and wellbeing is not a licensing objective, since the implementation of the current Policy in 2011, Public Health has become a Responsible Authority under the Act and can therefore now make representations on premises licence applications in order to support the four licensing objectives. The role of Public Health as a Responsible Authority is considered at paragraph 15 of the attached draft Policy.
6. It is recognised within the Policy that Public Health data can be useful in assessing whether the licensing objectives are being undermined. This can include for example, the number of alcohol related callouts in a particular area or the number of alcohol related assaults that present to Accident and Emergency from a particular area. Levels of binge drinking and the related behaviour of patrons can also impact on the levels of crime and disorder and public nuisance within an area (paragraphs 51 and 54 refer).
7. Within the restraints of the four licensing objectives, the draft Policy considers the impact that alcohol in particular can have on the health and wellbeing of the Borough. For example, the need to minimise the impact of alcohol related harm is contained within the new vision statement (paragraph 2 refers) and there is a new section on the impact of alcohol on Stockton-on-Tees and its links to Public Health and the Health and Wellbeing Strategy (paragraphs 27 to 38 refer).
8. In addition there is also a new section on irresponsible drinks promotions and controls to encourage the responsible consumption of alcohol, including the use of controls on the sale of superstrength lager, beer and cider or the requirement to charge a minimum price per unit of alcohol, as part of a package of measures to consider in dealing with localised problems (paragraphs 117 to 118 refer).
9. Other measures can also have a positive impact on health and wellbeing. For example, a new framework on licensing hours for the sale of alcohol especially in residential areas, can have a positive impact on health and wellbeing if it serves to restrict the availability of alcohol (paragraphs 127 to 134 refers). The same can be said for the presumption with regard to takeaway premises that it would normally be inappropriate to grant a licence allowing them to sell alcohol (paragraph 137 refers).
10. It is intended that formal consultation on the draft revised policy will run until Friday 16 October 2015, with the aim of reporting back to Licensing Committee in late October 2015, to Cabinet in December 2015 and getting full Council approval in January 2016.

FINANCIAL IMPLICATIONS

11. The cost of administering the licensing process under the Licensing Act 2003 is met from the fees paid by the applicants. The current fee levels are set by central government.

LEGAL IMPLICATIONS

12. The policy can be challenged by way of judicial review and current legislation allows a right of appeal to the courts by any person refused a licence or to any person aggrieved by any condition attached to the grant of a licence.

RISK ASSESSMENT

13. Existing management systems and daily routine activities are sufficient to control and reduce risk..

COMMUNITY STRATEGY IMPLICATIONS

14. Steps to promote the Licensing objectives will contribute towards the Council's Community Safety objectives, the quality of life for residents within the Borough and their health and wellbeing.

CONSULTATION

15. The draft Policy is currently out for consultation which is due to close on Friday 16 October 2016.

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