

# Licensing Act 2003 Committee Agenda



**9.30 am Tuesday, 8 September 2020  
via Microsoft Teams**

**In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:**

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1. Introductions/Attendance at Meeting
2. Appointment of Chair for the Municipal Year 2020/21
3. Appointment of Vice-Chair for the Municipal Year 2020/21
4. Declarations of Interest
5. To confirm the Minutes of the meeting of this Committee held on 23 April 2019 (Pages 1 - 2)
6. Update relating to Licensing Act Policy Review – Report of the Director of Economic Growth (Pages 3 - 4)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
8. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Friday 28 August 2020**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Clarke, Crumbie, Donoghue, Dulston, Haszeldine, B Jones, Lee, Newall, K Nicholson, A J Scott and Snedker

If you need this information in a different language or format or you have any other queries on this agenda please contact Allison Hill, Democratic Officer, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [allison.hill@darlington.gov.uk](mailto:allison.hill@darlington.gov.uk) or telephone 01325 405997

## LICENSING ACT 2003 COMMITTEE

Tuesday, 23 April 2019

**PRESENT** – Councillors , C L B Hughes, Kane, Lawton, Lee, Newall and K Nicholson

**APOLOGIES** – Councillors B Jones, Mrs D Jones and Nutt,

**ABSENT** – Councillor Rahman

**ALSO IN ATTENDANCE** – Sgt C Dickenson (Durham Constabulary)

**OFFICERS IN ATTENDANCE** – Allison Hill (Democratic Officer), Graham Hall (Head of Community Safety), Brian Murray (Licensing Officer), Colin Dobson (Licensing Manager) and Bethany Symonds (Lawyer)

### LA1 DECLARATIONS OF INTEREST

### LA2 MINUTES

Submitted – The Minutes (previously circulated) of the meeting of this Licensing Act 2003 Committee held on 31 May 2016.

**RESOLVED** – That the Minutes be accepted as a correct record.

### LA3 MINUTES

Submitted – The Minutes (previously circulated) of the meetings of the Licensing Act 2003 Sub Committees held on 29 June and 19 September 2016; 23 May and 25 July 2017; and 3 December 2018.

**RESOLVED** – That the Minutes be accepted as a correct record.

### LA4 LICENSING PRINCIPLES FOR GAMBLING ACT 2005

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) for Members to give consideration to a Draft Statement of Licensing Principles for the Gambling Act 2005.

The Gambling Act 2005 gives responsibility to the Gambling Commission for the issue of Operating Licences in respect of businesses offering gambling and also for the issue of Personal Licences for those employed in the business of gambling; and the 2005 Act requires all Local Authorities to prepare, consult on and publish a Gambling Policy.

It was noted that the first policy was approved by Members at the Council meeting held on 23 November 2006 and took effect on 31 January 2007 and has been revised every three years and was last revised by Council in November 2005 for publication on 31 January 2016. The Policy was therefore due to be revised.

The submitted report advised that the Council currently licensed 12 Betting Shops

and 26 Licensed Clubs and Pubs for the provision of gambling. The 2005 Act requires Local Authorities to follow the Guidance and Codes of Practice issued by the Gambling Commission and also the Council's own policy statement.

It was also noted that the policy had remained largely unchanged and a widespread consultation exercise had been undertaken over a six week period from 11 February to 23 March 2019 with the Responsible Authorities, the gaming industry, the leisure industry and organisations dealing with problems arising from gambling.

It was reported that two responses had been received in respect of the revised document one from Darlington Borough Council's Public Health highlighting the harms gambling can cause and the other from the Association of British Bookmakers highlighting that the number of betting shops had declined and some regulatory changes such as planning in 2015 had had an adverse effect.

**RESOLVED** – That the revised Licensing Principles be approved prior to its submission to Full Council.

**LICENSING ACT 2003 COMMITTEE  
8 September 2020**

ITEM NO. ....

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**UPDATE RELATING TO LICENSING ACT POLICY REVIEW**

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**Responsible Cabinet Member – Councillor Jonathan Dulston  
Stronger Communities Portfolio**

**Responsible Director – Ian Williams, Director of Economic Growth**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To update Members with the current position of the Licensing Act Policy Review due in January 2021 in light of the Covid-19 pandemic.

**Summary**

2. The Licensing Act 2005 requires that its Statement of Licensing Policy is reviewed every five years and Darlington Borough Council's policy is scheduled to be renewed in January 2021. Work had commenced on this review early in the year, however the Covid-19 regulations have had an enormous impact on the hospitality trade, particularly those with premises licences and many have been compelled to close. Recent partial relaxation of the Covid-19 Regulations has seen the dynamics of drinking alcohol change considerably, which may have an impact for many years to come.
3. At a recent meeting of the North East Strategic Licensing Group (NESLG), concerns were expressed that due to the closure of many licensed premises and the fact it will take many months to establish business anywhere close to what had been experienced before the Covid-19 lockdown, it will be impossible to adequately consult with an industry that has been deeply damaged and may never recover to the level it used to operate.
4. With these concerns expressed, clarity was sought by 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 for new policies to be developed. Under the current circumstances this is considered acceptable by the LGA, provided work is progressed once some level of normality has returned.
5. It is proposed that a decision is made to maintain Darlington's current Licensing Act Policy until the implementation of a revised policy in April 2021. This will afford the Licensing Authority an opportunity for meaningful consultations with the hospitality

industry as it gradually regains some degree of normality, whilst being aware that there may be further local 'lockdown' requirements. Other Responsible Authorities and stakeholders who would normally be heavily involved in the consultation process are also in a similar position where they are currently not able to provide a full service for the consultation.

## **Recommendations**

6. It is recommended that :-

The Licensing Committee retain the current Licensing Act Policy until April 2021 to allow sufficient consultation time with the hospitality trade and stakeholders once Covid-19 Regulations have been sufficiently relaxed.

## **Reasons**

7. The recommendations are supported by the following reason:-

To provide a pragmatic and fair approach to all those working within the alcohol arena, which is in a current state of transition, to ensure a full, meaningful consultation process takes place for the public to continue to be safe within the Borough of Darlington.

**Ian Williams**  
**Director of Economic Growth**