

**LICENSING ACT 2003 COMMITTEE**  
**23 February 2021**

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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 that was due in January 2021 but extended to April 2021 by the Licensing Act 2003 Committee on the 8 September 2020 in light of the Covid-19 pandemic.

**Summary**

2. Section 5 of the Licensing Act 2003 requires that each Local Authorities Statement of Licensing Policy is reviewed every five years and Darlington Borough Council's policy was scheduled to be renewed in January 2021. Work had commenced on this review early in 2020, however the ongoing Covid-19 regulations has had an enormous impact on the hospitality trade, particularly those with premises licences, and many were compelled to close. When these restrictions were partially relaxed the dynamics of drinking alcohol changed considerably, with many businesses having reduced capacity and working practices significantly altered. The Business and Planning Act announced in July 2020 was introduced to assist the hospitality trade with ongoing restrictions, however in the autumn further, more stringent regulations were introduced until the the trade was placed in full lockdown once again before Christmas.
3. The North East Strategic Licensing Group (NESLG) expressed concerns during 2020 that due to the closure of many licensed premises it was impossible to adequately consult with the hospitality industry that has been extremely damaged, and may never recover to the level it used to operate. With these concerns in mind, clarity was sought by the Local Government Association (LGA) from 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 circumstances at that time this was considered acceptable by the LGA, provided work was progressed once some level of normality had returned.
4. On the 8 September 2020 the Licensing Act 2003 Committee approved the proposal to retain its current Statement of Licensing Policy until the implementation of a revised policy in April 2021, following the guidance available from the LGA at

that time. This was to afford the Licensing Authority an opportunity for meaningful consultations with the hospitality industry as it gradually regained some degree of normality.

5. On the 1 October 2020 a letter was sent to all Licensing Authorities by Kit Malthouse MP, Minister of State for Crime and Policing, offering further guidance to Local Authorities following legal consultation over the issue of policy (**Appendix 1**). It should be noted that in this letter the subject of Cumulative Impact Assessments was included. Darlington does not have Cumulative Impact Policy in place and there are no plans for one to be introduced.
6. Whilst this offered a degree of clarity, it was still the aim of Darlington Licensing to complete the consultation process and seek approval for a revised policy in April 2021, however following the most recent lockdown of the hospitality trade it has proved impossible to adequately consult with key stakeholders and the target date for completion is now considered unrealistic. At the time of writing this report there is still no indication when Covid-19 regulations will be eased and reports suggest they may continue for some time to come. Even when these restrictions are eased, it is unlikely that the hospitality trade in Darlington will be the same as before the Covid-19 regulations were introduced in March 2020.
7. Whilst offering a great deal of sympathy, the Minister highlighted that it is unlikely the licensing legislation will be changed, so we still have a legal obligation to review our Statement of Licensing Policy. He did however invite licensing authorities to explore a pragmatic approach to reflect these exceptional circumstances.
8. It is proposed, in line with guidance from the Minister, to further extend our current policy until such a time there is an opportunity for meaningful consultation with the hospitality industry to take place and when there will be a greater understanding the impact this pandemic has had on our community. This can be no more than five years, however it is anticipated that it will be completed well within that time and probably no more than the two years originally requested by the LGA. In line with Section 182 Guidance to the Act, Licensing will consult as far as possible with responsible authorities and business representatives to provide our rationale for this decision and be cognisant of any representations. Following this consultation, if agreed by this Licensing Act 2003 Committee, approval will be sought from Full Council to ensure transparency within our communities.

## **Recommendation**

9. It is recommended that :-

The Licensing Act 2003 Committee agree that the current Statement of Licensing Policy be carried forward to allow sufficient time to fully consult with the hospitality trade and stakeholders once Covid-19 regulations have been sufficiently relaxed.

## **Reason**

10. This recommendation is supported by the following reason:-

To provide a pragmatic and fair approach to all those working within the hospitality industry, which is in a current state of confusion and uncertainty, to ensure that 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**