

LICENSING ACT 2003 COMMITTEE

17 August 2021

UPDATE RELATING TO LICENSING ACT POLICY REVIEW FOLLOWING PUBLIC CONSULTATION

Purpose of the Report

1. To update Members with the current position of the Licensing Act Policy Review following a period of consultation approved by the Licensing Committee on the 23rd February 2021

Summary

2. Section 5 of the Licensing Act 2003 requires that each Local Authority has a Statement of Licensing Policy, reviewed every five years and Darlington Borough Council's policy was to be renewed in April 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. The Business and Planning Act announced in July 2020 was introduced to assist the hospitality trade with ongoing restrictions until September 2021, however in the autumn further, even more stringent regulations were introduced until the trade was placed in full lockdown once again before Christmas. The hospitality trade is now in the early stages of recovery, however even when restrictions are fully lifted it is unlikely that this industry will be the same as before the pandemic.
 3. The government intend introducing secondary legislation to extend the current Business and Planning Act from September 2021 until September 2022 providing further support to the hospitality industry. This Act has an impact on the Licensing Act and as a consequence of that, our Licensing Act Policy.
 4. 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 seriously damaged, and may never recover to the level it once operated. With these concerns in mind, clarity was sought by the Local Government Association (LGA) from government, whether 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.
 5. On the 1st 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.*
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6. 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.
7. It is proposed, in line with guidance from the Minister of State for Crime and Policing, 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.
8. With approval of the Licensing Committee and in line with Section 182 Guidance to the Act, Licensing have consulted with Responsible Authorities and the public. This consultation period was from 1st March until the 6th April 2021. It was advertised on Darlington Borough Council Website supported by a series of media releases (social and press) to signpost people to the site (**Appendix 2**). During that time no representations were made. Responsible Authorities were consulted individually and all responses were in support of this pragmatic approach.
9. If it is agreed by this Licensing Committee, approval will be sought from Full Council for our Licensing Act Policy to be retained to ensure transparency within our communities.

Recommendation

10. It is recommended that :-

The Licensing 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

11. 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.

Dave Winstanley
Group Director of Services
