

**COUNCIL  
30 SEPTEMBER 2021**

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**LICENSING ACT POLICY REVIEW**

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**Responsible Cabinet Member -  
Councillor Jonathan Dulston, Stronger Communities Portfolio**

**Responsible Director -  
Dave Winstanley, Group Director of Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To invite Members to approve the current Statement of Licensing Policy be carried forward to allow sufficient time to fully consult with the hospitality trade and stakeholders once the impact Covid-19 regulations had on this industry can be sufficiently assessed.

**Summary**

2. This report seeks Members' approval, following public consultation, on the Council's Statement of Licensing Policy, which had been due to be renewed, however the closure of the hospitality industry during Covid-19 restrictions meant there was no opportunity for meaningful consultation. A new policy will be developed once the hospitality trade has had a chance to recover and the impact of legislative changes made due to Covid-19 can be properly assessed. This approach has been supported by the Licensing Committee following a meeting held on 17 August 2021.

**Recommendation**

3. It is requested that full Council approve our Statement of Licensing Policy be carried over with immediate effect.

**Reason**

4. To ensure standards are maintained until such a time meaningful consultation can take place with the hospitality trade following recovery from Covid-19 restrictions.

**Dave Winstanley  
Group Director of Services**

## Background Papers

- (i) Licensing Act 2003;
- (ii) Section 182 Guidance to the Act 2018;
- (iii) Business and Planning Act 2020;
- (iv) The Equality Act 2010;
- (v) Immigration Act 2016;
- (vi) Human Rights Act 1998.

Colin Dobson: Extension 5988

S17 Crime and Disorder	This policy will continue to address issues specifically relating to criminal offences
Health and Well Being	Covid-19 is an ongoing issue that will need to be considered throughout this policy in line with government guidelines/regulations
Carbon Impact and Climate Change	Reduced emission and promotion of renewable energy will be addressed in this policy
Diversity	The proposals will have no additional impact on equality of opportunity for the disabled public. Equality Act screening assessment has been carried out
Wards Affected	The proposals affect all Wards
Groups Affected	The proposals affects those using the licensed trade
Budget and Policy Framework	This report represents no change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The proposals will continue to contribute to the growth of a sustainable economy whilst maintaining stability within the hospitality trade and protecting the general public
Efficiency	This report has no impact on the Council's Efficiency Programme.
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

## MAIN REPORT

### Background

5. Section 5 of the Licensing Act 2003 requires that each Local Authority has a Statement of Licensing Policy (**Appendix 1**), reviewed every five years and Darlington Borough Council's policy was to be renewed on 1 January 2021. Work had commenced on this review early in 2020, however the ongoing Covid-19 regulations had an enormous impact on the hospitality trade, particularly those with premises licences. As an interim measure the Licensing Committee approved a delay to this policy being renewed until April 2021, however when businesses were compelled to close it became clear that this was an unrealistic expectation. The hospitality trade is now in the early stages of recovery, however even as restrictions are fully lifted it is unlikely that this industry will be the same

as before the pandemic. There is always the possibility that restrictions may be re-imposed as we move into the winter months.

6. The Business and Planning Act announced in July 2020 was introduced to assist the hospitality trade with ongoing restrictions by allowing a greater use of outside space until September 2021. This was then extended by secondary legislation until September 2022, providing further support to the hospitality industry. It is unclear at the moment if this legislation will be made permanent. As it has an impact on the Licensing Act it will, as a consequence of that, influence our new Licensing Act Policy.
7. 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.
8. On 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 2**). *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.*
9. 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.
10. 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 of the impact this pandemic has had on our community. It will also afford us the opportunity of waiting to establish if changes to the Licensing Act by the Business and Planning Act will be made permanent.

### **The Consultation Process**

11. 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 1 March until 6 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. During that time no representations were made. Responsible Authorities were consulted individually and all responses were in support of this pragmatic approach.
12. Licensing also consulted with North East Strategic Licensing Group (NESLG), which Darlington is a member and this is the approach many local authorities have taken throughout the country.

### **Consultation with the Licensing Committee**

13. On 17 August 2021 the Licensing Committee agreed with the proposal to carry forward our current Statement of Licensing Policy and recommended its approval by Full Council.

### **Equalities Impact Assessment**

14. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2016 and a recent screening process has been carried out to ensure this assessment is still appropriate. Darlington Association on Disability (DAD) have been involved in the consultation process and there is nothing contained within this report that would adversely impact upon that assessment.

### **Financial Implications**

15. There are no financial implications arising in respect of this report.

### **Conclusion**

16. The proposed carry over of this policy will provide stability for the hospitality trade at a time of great uncertainty, whilst maintaining safety standards already in place.