

LICENSING ACT 2003 COMMITTEE

Tuesday, 17 August 2021

PRESENT – Councillors B Jones (Chair), Clarke, Dulston, Lee, Newall, K Nicholson and Snedker

APOLOGIES – Councillors Crumbie, Donoghue, C L B Hughes, Mills and A J Scott,

ABSENT – Councillors Haszeldine

OFFICERS IN ATTENDANCE – Allison Hill (Democratic Officer), Amy Wennington (Principal Lawyer (Litigation)) and Colin Dobson (Licensing Manager)

LA1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2021/22

RESOLVED - That Councillor B Jones be appointed Chair of the Licensing Act 2003 Committee for the Municipal Year 2021/22.

LA2 APPOINTMENT OF VICE CHAIR FOR THE MUNICIPAL YEAR 2021/22

RESOLVED - That Councillor Lee be appointed Vice Chair of the Licensing Act 2003 Committee for the Municipal Year 2021/22.

LA3 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LA4 TO CONFIRM THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 23 FEBRUARY 2021

Submitted – The Minutes (previously circulated) of the meeting of Licensing Act 2003 Committee held on 23 February 2021.

RESOLVED – That the Minutes of the Licensing Act 2003 Committee meeting held on 23 February 2021 be approved as a correct record.

LA5 TO CONFIRM THE MINUTES OF THE LICENSING ACT 2003 SUB COMMITTEE MEETINGS HELD ON 19 APRIL 2021

Submitted – The Minutes (previously circulated) of the meeting of Licensing Act 2003 Sub Committee held on 19 April 2021.

RESOLVED – That the Minutes of the Licensing Act 2003 Sub Committee meeting held on 19 April 2021 be approved as a correct record.

LA6 UPDATE RELATING TO LICENSING ACT POLICY REVIEW FOLLOWING PUBLIC CONSULTATION

The Group Director of Services submitted a report (previously circulated) to provide

Members with an update on the current position of the Licensing Act Policy Review following a period of consultation approved by this Committee at their meeting held on 23 February 2021.

The submitted report outlined that 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.

It was reported that 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, 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.

It was also reported that the government are expected to introduce secondary legislation to extend the current Business and Planning Act from September 2021 until September 2022 providing further support to the hospitality industry; and the North East Strategic Licensing Group had expressed its 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 affected by the pandemic and clarity was sought by the Local Government Association on whether scheduled Licensing Act Policy Reviews could be delayed.

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 and the Minister highlighted that it was unlikely the licensing legislation will be changed, and there remained a legal obligation to review our Statement of Licensing Policy, however he did invite licensing authorities to explore a pragmatic approach to reflect these exceptional circumstances.

With prior approval of the Licensing Committee and in line with Section 182 Guidance to the Act, Licensing consulted with Responsible Authorities and the public between 1 March and 6 April 2021 and no representations had been received and all responses had been in support of a pragmatic approach.

RESOLVED – 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.

LA7 LICENSING PRINCIPLES FOR GAMBLING ACT 2005

The Group Director of Services submitted a report (previously circulated) for Members approval of the draft Statement of Licensing Principles for the Gambling Act 2005 to be released for consultation.

The Gambling Act 2005 requires licensing authorities to publish a Statement of Principles that they propose to apply in exercising their functions under the Act every three years.

Darlington's current Statement of Licensing Principles was published in January 2019 and, as such, a new policy is due to be published in January 2022 (every three years).

It was reported that Key stakeholders had been made aware that this policy was to be renewed and were invited to make comment before formal public consultation and to date no comments had been received.

It was also reported that following formal consultation, this Statement of Licensing Principles will be returned to the Licensing Act 2003 Committee for approval before a final decision is made by full Council.

General discussion ensued on gambling related harm which creates challenges for Local Authorities; expressed their concern at the rise in on-line gambling and the impact of the pandemic and the potential risks that may cause; and were keen to receive the data from the census that took place on 21 March 2020 which will be relevant to the local area profile. The Licensing Manager advised Members that Public Health will be taking the lead on harm related to gambling and this was high on their agenda.

RESOLVED – That Members approve the Licensing Principles for the Gambling Act policy document for public consultation.