


REPORT TO EMERGENCY COMMITTEE

6 May 2020

Subject:	Statement of Licensing Policy 2020
Director:	Director of Prevention and Protection – Neil Cox
Contribution towards Vision 2030:	
Contact Officer(s):	Nicola Plant – Service Manager Regulated Services and Transformation Tracy Hubball – Operations Manager Licensing

DECISION RECOMMENDATIONS

That the updated Statement of Licensing Policy for the borough be approved in accordance with Section 5 of the Licensing Act 2003, with effect from April 2020.

1 PURPOSE OF THE REPORT

- 1.1 This report seeks approval of the updated Statement of Licensing Policy for the borough.
- 1.2 Section 5 of the Licensing Act 2003 requires the Council as the Licensing Authority to prepare and publish its own Statement of Licensing Policy outlining how it intends to carry out its licensing functions under the Act.
- 1.3 The policy covers licensable activities within the borough as defined in the Licensing Act 2003 and these are :-
 - The sale of Alcohol
 - The supply of alcohol by or on behalf of a club
 - The provision of regulated entertainment
 - The provision of late-night refreshment

- 1.4 The Act requires the Council, in respect of each five-year period, to determine its policy with respect to the exercise of its licensing functions, and to publish an updated statement of that policy.
- 1.5 The Council's current Statement of Licensing Policy was approved by full council in March 2014. Following formal consultation, a revised version of the Licensing Policy is now proposed.
- 1.6 Formal consultation has been completed in line with the Act which specifically requires, the Licensing Authority to consult the following:-
- the Chief Officer of Police;
 - the Fire and Rescue Authority for the area;
 - representatives of persons holding premises licences, personal licenses or club premises certificates;
 - representatives of businesses and residents.
- 1.7 Consultation has also included Public Health and health partners.
- 1.8 Members of the Licensing Committee have been consulted on the revised policy and have no objections.

2 IMPLICATIONS FOR VISION 2030

- 2.1 The Statement of Licensing Policy directly supports the achievement of Ambition 2 - Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for; and Ambition 5 – Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.
- 2.2 Recognising the risks associated with alcohol misuse and the significant detrimental impact this can have on people's health, the revised policy encourages both current licence holders and future applicants to be more aware of the impact of alcohol on the borough when selling and supplying alcohol.
- 2.3 The responsible sale of alcohol also serves to protect our communities and people living within them by reducing the risk of alcohol related crime and disorder and public nuisance.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 In November 2005, the Licensing Act 2003 came into effect. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late-night refreshment, administered by the local Licensing Authorities.
- 3.2 Section 5 of the Act requires each authority to prepare and publish a Statement of Licensing Policy, setting out how the authority intends to approach its licensing responsibilities. This statement should be reviewed every five years.
- 3.3 The current Statement of Licensing Policy was approved by full council in March 2014.
- 3.4 Permission to consult was given by Cabinet in March 2019 and this has now concluded.
- 3.5 The administration of licensing sits with the local authority, however the Licensing Act 2003 clearly stipulates that applications for licences can only be refused, and existing licenses can only be revoked if there is a failure to comply with one of the four licensing objectives:-
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

4 THE CURRENT POSITION

- 4.1 The updated Statement of Licensing Policy has been drafted in following the completion of the consultation.
- 4.2 Whilst licensing decision making is limited to the scope of the four licensing objectives as outlined above, the updated policy contains more public health-related information outlining the potential harm the misuse of alcohol is having on the residents of the borough. This is in recognition of the impact the sale and supply of alcohol can have seeks to raise the awareness of licence holders of the responsibility they hold.
- 4.3 The updated policy also covers Temporary Premise Licenses and more information on Modern Day Slavery and Child Sexual Exploitation.
- 4.4 Feedback received during the formal consultation period has been considered in line with the Licensing Act 2003 and included into the Statement of Licensing Policy where appropriate and where the Act allows.

- 4.5 A copy of the updated Statement of Licensing Policy can be found at appendix A of this document.
- 4.6 To accompany the policy document, a guidance document for applicants and licence holders will be provided to support them to understand the practical steps they can take to manage their responsibilities as a Licence Holder and support the long term health and well-being of the borough's residents.
- 4.7 A copy of the guidance document can be found at Appendix B of this document.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Formal consultation has been completed in line with the Act which specifically requires, the Licensing Authority to consult the following:-
- the Chief Officer of Police;
 - the Fire and Rescue Authority for the area;
 - representatives of persons holding premises licences, personal licenses or club premises certificates;
 - representatives of businesses and residents.
- 5.2 Consultation was also undertaken with Public Health and health partners.
- 5.3 Feedback received during the formal consultation period which has been deemed appropriate to include into the revised Statement of Licensing Policy in line with the Licensing Act 2003 has been incorporated in the proposed updated Statement of Licensing Policy.
- 5.4 Members of the Licensing Committee have been consulted on the revised policy and have no objections.

6 ALTERNATIVE OPTIONS

- 6.1 It is a requirement of the Licensing Act 2003 that the Licensing Authority publishes a Statement of Licensing Policy and review this every five years.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The Corporate Risk Management Strategy has been complied with to identify and assess the significant risks associated with this decision. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks.

The assessment has determined that there are no significant risks arising from the decisions being sought.

- 7.2 There are no adverse budget implications or any other significant risks associated with the Policy amendments detailed in this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under Section 5 of the Licensing Act 2003, the Council as the Licensing Authority must in respect of each five year period determine its policy with respect to exercising its licensing functions and publish a statement of that policy.
- 8.2 Before determining its policy, the council must consult:-
- The Chief Officer of Police
 - The Fire Authority
 - Such persons as the council considers to be representative of holders of premise licenses
 - Such persons as the council considers to be representative of holders of club premise certificates
 - Such persons as the council considers to be representative of holders of personal licenses
 - Such persons as the council considers to be representative of businesses and residents in the area.
- 8.3 During each five year period, the Council must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
- 8.4 Where revisions are made, the Council must publish a statement of the revisions or the revised Licensing Statement.
- 8.5 Any revisions proposed during the consultation process have been verified with Officers of Sandwell Council Legal Services to ensure the revised version of the Licensing Statement is compliant with the Licensing Act 2003.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment was undertaken line with Council policy.
- 9.2 The results of the assessment have identified that the proposals and recommendations contained in this report will not have an adverse impact on any group with protected characteristics.

- 9.3 The proposals are both reasonable and a proportionate response to the primary objective of protecting the public, in line with the licensing objectives outlined in the relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Not applicable to this decision.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 Consideration has been given to the risks associated with the proposed policy, however, no significant risks have been identified.
- 11.2 The responsible sale of alcohol serves to protect communities and people living within the borough by reducing the risk of alcohol related crime and disorder and public nuisance. Therefore, the proposed amendments to the policy should serve to have a positive impact on levels of crime and disorder in the borough.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The proposals put forward in this report are sustainable and respond to current legislation.
- 12.2 There is no indication that either legislation or industry standards are likely to be changed or amended.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 The proposed implementation of the updated Statement of Licensing Policy will have a positive impact on people's health and well-being.
- 13.2 There is evidence which shows deprived communities suffer much greater harm from alcohol in comparison to less deprived communities (despite drinking similar amounts). This ultimately impacts on the healthy life expectancy of Sandwell residents: Healthy life expectancy for men living in Sandwell is 4.7 years lower than the national average and for Sandwell women it is 5.6 years lower than the national average. This means that, on average, a woman in Sandwell can expect to live with illness and disability for 22.9 years, for men 18.3 years
- 13.3 Given licensing is the main mechanism by which we can manage access to and provision of alcohol we will ensure an approach which can effectively balance the needs of local businesses yet ultimately minimises harmful impacts on Sandwell residents.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 Not applicable to this decision.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Licensing Authority is required by the Licensing Act 2003 to publish and review its Statement of Licensing Policy. The updated Statement of Licensing Policy has been prepared following consultation in compliance with the Licensing Act 2003, and taking account of the specific health needs of the Sandwell population.

15.2 It is therefore proposed that the updated Statement of Licensing Policy is approved.

16 BACKGROUND PAPERS

16.1 None

17 APPENDICES:

Appendix A: Revised Draft Statement of Licensing Policy

Appendix B: Statement of Licensing Policy Guidance Booklet

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