

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

**Report of the Executive
Director, Place.**

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

1. Purpose of report

1.1 To inform Members of a review of the existing Licensing Policy governing the licensing of the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment; and to seek their approval to go to public consultation on a new Statement of Licensing Policy for the Council.

2. Recommendations

2.1 That the draft Licensing Act Statement of Licensing Policy 2016 be approved for release for consultation.

3. Introduction

3.1 The Statement of Licensing Policy (“the Policy”) is a legal requirement under the Licensing Act 2003. The purpose of the policy is to guide the Licensing Committee when considering applications for the sale of alcohol, regulated entertainment, late night refreshment, cinema and theatrical performances, as well as assisting applicants in presenting their application. The contents of the Policy are specified in Government Guidance.

3.2 The aim of the Policy is to promote the four licensing objectives, which are;

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance and
- d) The protection of children from harm.

3.3 The Council wishes to promote the above whilst still encouraging a sustainable entertainment and leisure industry. The Council recognises that local residents need a safe and healthy environment in which to work and live, and that safe and well run entertainment and leisure facilities are important to the local economy and cultural health of the Borough

4. Consideration of alternative approaches

- 4.1 Barnsley Metropolitan Borough Council is the Licensing Authority for the purposes of the Licensing Act 2003 and has a statutory duty to publish a statement of Licensing Policy under the Act. We are also legally required to review and update it on a regular basis and following any changes in the relevant legislation or guidance.
- 4.2 The existing policy does not include reference to new policies, guidance or legislative changes, and is therefore outdated. It is also not aligned to Future Council objectives. The new policy covers these issues.
- 4.3 Failing to approve the policy would result in the Council being unable to meet its statutory functions in that applications for licences together with reviews of licences have to be dealt with in line with the adopted policy.

5. Proposal and justification

- 5.1 The statement of Licensing Policy has certain key objectives;
- Provides applicants with a clear, consistent basis for submitting applications and notices in the Borough
 - Provides a clear, consistent basis for determining licensing applications in Barnsley
 - Ensures the relevant views of those affected by licensed premises are taken into consideration
 - Ensures that local area issues are taken into account by licensed premises and
 - Supports the wider strategies of the Council and the approach to licensed activities and premises across the Borough.
- 5.2 The adoption of the Policy is a legal requirement. The overarching ethos of the policy is to ensure that the licensing objectives are met throughout the Authority and that communities are not undermined by crime and disorder as result of licensed activities or premises.
- 5.3 The licensed entertainment and hospitality industry is a major provider of full time, part time and casual employment and it makes a significant contribution to the local economy. It fulfils an important social and community role, providing facilities for both residents and businesses and provides vital support for related sectors such as retail and tourism.
- 5.4 The Licensing Statement of Policy forms an essential part of the Council's integrated approach to alcohol related issues and the provision of regulated entertainment. It seeks to strike a balance between the need to encourage a vibrant and dynamic entertainment industry as part of the regeneration of the

Borough, and the need to ensure that concerns relating to public disorder are effectively addressed. The policies in this Statement aim to contribute to making the Borough as a whole, and its town centre in particular, pleasant, safe and prosperous places in which to live, work, learn and relax. We want to work with partners and the licensing trade to provide a safe, diverse and family orientated night time economy for all to enjoy. For example, the Licensing Service is working with internal and external partners to achieve Purple flag status for the town centre.

- 5.5 Licensing is also working with Public Health and the Police to proactively address the issue of problem drinkers in the town centre, looking at working with retail premises to stop the sale of high strength, low cost alcohol and the sale of single cans. The Service will also consider the feasibility of some of the potential licensing controls now available such as Early Morning Restriction Orders (which limit opening hours in certain areas after midnight) and the use of the Late Night Levy to fund policing, and other measures, to support the town centre night time economy. Initial views on these measures will be collected at consultation and be the subject of further Cabinet reports.

6. Implications for local people / service users

- 6.1 The aim of the new policy is to support business and regeneration across the Borough and town centre in particular, whilst protecting the public and ensuring that the four licensing objectives are met. This will result in a safe and varied night time economy.
- 6.2 A new reference is included in the policy to Child Sexual Exploitation, and applicants are required to have regards to any relevant measures for the protection of children from harm, both physical and psychological.

7. Financial implications

- 7.1 Consultations on the financial implications have taken place with representatives of the Director of Finance, Assets & IT.
- 7.2 There are minimal costs of postage/printing associated with this report; however they will be contained within the services' existing budget

8. Employee implications

- 8.1 There are no specific employee implications in reviewing and updating this policy.

9. Communications implications

- 9.1 The Policy, once approved for release, will be subject to an 8 week public consultation period when it will appear on the Council's website. All stakeholders will be contacted by letter to inform them of the consultation.

- 9.2 Once adopted, the policy will be published on the Licensing web site. The Policy will therefore be available to all interested parties.

10. Consultations

- 10.1 In accordance with legislation, consultation on the proposed new policy must be carried out with the prescribed statutory consultees, responsible authorities, parish councils and all premises, individuals and groups who hold a licence in the Borough. Consultation is to last for a period of 8 weeks.
- 10.2 The views of all consultees will be duly considered and given proper weight when reviewing this policy.

11. The Corporate Plan and the Council's Performance Management Framework

- 11.1 The publication of the policy supports the Council priority of "People achieving their potential" by ensuring children and adults are protected from harm. It also supports the "Thriving and Vibrant Economy" priority by supporting new business in the licensed trade.

12. Tackling health inequalities

- 12.1 The Policy recognises the impact that excessive or binge drinking can have on public health and that positive action in promoting the licensing objectives is equally likely to have an indirect impact on public health.

13. Risk management issues

- 13.1 Failure to have an up to date Statement of Licensing Policy could result in successful legal challenges to the Council's decisions.

14. Compatibility with the European Convention on Human Rights

- 14.1 The implementation of the Statement of Licensing Policy will not interfere with the Convention on Human Rights. However, decisions made by the Licensing Board in relation to applications for Licences and reviews of licences will be affected by Human Rights Legislation, in particular Article 6 (the right to a fair trial).

15. Promoting equality, diversity, and social inclusion

- 15.1 The Licensing Act 2003 contains four licensing objectives, including public safety and the protection of children from harm. It is recognised that subjecting vulnerable adults or children to some forms of licensed entertainment or premises could lead to them being harmed or exploited and

care must be taken to ensure that all applications provide mitigation measures suitable to the level of risk.

- 15.2 In order to promote inclusion and to prevent exclusion, the Policy reminds applicants of their responsibilities under the Equality Act 2010. In seeking to support a community in which diversity is encouraged, the Council will expect all applicants to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age, sex, sexual orientation or disability.

16. Reduction of crime and disorder

- 16.1 One of the four licensing objectives relate directly to the prevention of crime and disorder. The Council will have regard to the likely impact of licensing and related crime and disorder when considering the location, operation and management of all proposed licence applications, reviews and variations.

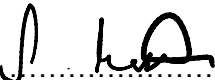
17. List of appendices

Appendix 1 Statement of Licensing Policy.

18. Background papers

Licensing Act 2003

Officer Contact: Caroline Petty. Telephone No: 01226 772482. Date: 21.07.16

Financial Implications /	
Consultation 
<i>(To be signed by senior Financial Services officer where no financial implications)</i>	