

North East Derbyshire District Council
Licensing and Gambling Act Committee

21 February 2024

Review of the Council's Policy under the Licensing Act 2003

Report of the Joint Assistant Director for Environmental Health

Classification: This report is public

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PURPOSE / SUMMARY

To consider the renewal of the Council's Policy under the Licensing Act 2003.

RECOMMENDATIONS

1. The Committee approves the revised draft Statement of Principles under the Licensing Act 2003 for public consultation.
2. The Committee requires the Joint Assistant Director of Environmental Health to conduct a six-week public consultation in line with statutory requirements and report the findings back to the Committee for consideration at a later date.

Approved by the Portfolio Holder – Cllr Pickering, Cabinet Member for Environment and Place
(Delete completely for Scrutiny Reports)

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

It is a legal requirement under the Licensing Act 2003 that a licensing authority prepare and publish a statement of principles every five years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear, assists with the implementation of rules and reduces the risk of legal challenge by way of appeal or judicial review.

On Behalf of the Solicitor to the Council

Staffing: Yes No
Details:

There are no staffing implications of the proposals in this report

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	Yes
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	Yes
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Chair of Licensing and Gambling Acts Committee Portfolio Holder for Environment and Place

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 Background *(reasons for bringing the report)*

1.1 Under the Licensing Act 2003 ('the Act'), North East Derbyshire District Council ('the Council') is responsible for the administration and regulation of licences and certificates which authorise the following activities:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

1.2 The Act contains four licensing objectives which are central to the regulatory regime created by the Act, and are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm
- Public Safety

When discharging its functions, the Council, as a statutory Licensing Authority, must make decisions with a view to promoting these objectives.

1.3 The Licensing Act 2003 imposes a statutory requirement upon the Council, to prepare and publish a Statement of Principles (alternatively referred to as a 'Policy') every five years.

1.4 In 2018 a review was undertaken to ensure that the Council's Policy was consistent with statutory guidance and in a format common to neighbouring authorities to enable consistency and transparency. The Act requires the Council to republish its Policy every five years. The current Policy was published in 2019 and is now due for renewal.

1.5 The Policy establishes a set of controls which the Council considers appropriate for the effective management of licensable activities within the district. The Policy acts as a guide for Members, applicants, responsible authorities, and members of the public and aims to promote fair, consistent, and proportionate decision making.

2. Details of Proposal or Information

2.1 The Council is required to prepare and publish a Statement of Principles ('the Policy') under the Licensing Act 2003 every five years. The current Policy was published in 2019 and is now due to be reviewed and republished.

- 2.2 The Joint Environmental Health Service has conducted an initial review of the existing Policy focussing on:
- Local and nationally identified areas of concern; and
 - Updates to statutory guidance and legislation.
- 2.3 The new draft Policy is attached as **Appendix 1** and the consequential amendments described in **Appendix 2**.
- 2.4 In summary the proposals aim to achieve the following:
- Ensure the policy is consistent with legislation and statutory guidance.
 - Increase the clarity of the Policy.
 - Improve the standards of premises in the district through the recommendation of more robust management practices; and
 - Provide clarity on delegations.

Local demographics and links to resources have also been updated within the policy but have not been included in the table of consequential amendments at **Appendix 2**.

- 2.5 As part of this review it is best practice for the Council to review their position on Cumulative Impact Assessments ('CIA'), Early Morning Restriction Orders ('EMRO') and zoning. CIA's, EMRO's and zoning are mechanisms which allow licensing authorities to restrict or control licensable activities in specific locations and at specific times if an evidential need is identified.
- 2.6 The Council does not currently have any CIA's, EMRO's or zoning in place and research has not identified any issues that cannot be addressed through other, less burdensome mechanisms.
- 2.7 A summary of the findings and the conclusions drawn from this research can be found at paragraphs 2.10 to 2.22 below.
- 2.8 An updated Equality Impact Assessment has been produced and is attached as **Appendix 3**.
- 2.9 Following approval at the Licensing and Gambling Acts Committee a six week consultation will be carried out in line with the statutory requirements, the results of which will be presented back to the Committee for consideration, before a final draft is recommended to Council for adoption.

Research Findings

Licensed Premises

- 2.10 Over the last five years there has not been a significant change in the number of licensed premises in the district, with 351 currently licensed premises in comparison to 341 premises in 2019.

Complaints about licensed premises

- 2.11 Records held by the Joint Environmental Health Service show that the number of complaints about licensed premises has remained largely consistent over the last five years. A drop in the number of complaints was seen in 2020 and a subsequent increase was observed in 2021. This inconsistency is likely a direct impact of the COVID-19 pandemic.

Alcohol Related Crime

- 2.12 The Flagged Crimes Performance Report for Community Safety produced by Derbyshire Constabulary in September 2023 show that alcohol related crime in North East Derbyshire has gradually increased since the start of the COVID-19 pandemic and remains at a high level. The last year has shown an overall continued increase, however a third of district's wards have reported decreased levels of alcohol related crime.
- 2.13 This increased level of alcohol related crime can be seen across Derbyshire with most local authorities seeing an increase in alcohol related crime during and/or after the COVID-19 pandemic.
- 2.14 The cause of this increase in alcohol related crime is a complex matter that cannot be directly attributed to licensed premises. However, more robust management practices have been built into the Policy with the aim of making a positive contribution to the reduction of alcohol related crime within the district.

Alcohol Related Health Issues

- 2.15 The Local Alcohol Profiles for England published by the Office for Health Improvement and Disparities show that the rates of alcohol related mortality and alcohol related hospital admissions for North East Derbyshire are for the most part, higher than the average rates for the country and the region.
- 2.16 The cause of high levels of alcohol related mortality and hospital admissions are complex matters, primarily the concern of Public Health and cannot be directly attributed to licensed premises. However, more robust management practices have been built into the Policy with the aim of making a positive contribution to the reduction of alcohol related health issues within the district.

Alcohol Consumption in the UK

- 2.17 A report issued by Public Health England in 2021 on *Monitoring alcohol consumption and harm during the COVID-19 pandemic* showed that there had been a nationwide increase in alcohol consumption during the COVID-19 pandemic.

Violence Against Women and Girls

- 2.18 The Flagged Crimes Performance Report for Community Safety produced by Derbyshire Constabulary in September 2023 show that violent crimes against women and girls in North East Derbyshire have increased since the start of the COVID-19 pandemic and remain at a high level. The last year has shown an

overall continued increase, however almost half of district's wards have reported decreased levels of violent crimes against women and girls.

- 2.19 This increased level of violent crimes against women and girls can be seen across Derbyshire with most local authorities seeing an increase in violent crimes against women and girls during and/or after the COVID-19 pandemic.
- 2.20 The cause of this increase in violent crimes against women and girls is a complex matter that cannot be directly attributed to licensed premises. However, more robust management practices have been built into the Policy with the aim of making a positive contribution to the reduction of violent crimes against women and girls.

Conclusions

- 2.21 Research has shown that alcohol related health issues, alcohol related crime; and violence against women and girls are all issues which are prevalent in the North East Derbyshire district. Whilst research does not highlight licenced premises as a direct causation of these issues modifications have been made to the Policy with the aim of making a positive contribution to the reduction of these issues.
- 2.22 Full details of the proposed modifications can be found attached as **Appendix 2** and a list of the resources used in this review can be found at the end of the report.

3 Reasons for Recommendation

- 3.1 The Council has a statutory duty to prepare and publish a Statement of Principles under the Licensing Act 2003 every five years.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council can choose not to prepare and publish a new Statement of Principles under the Licensing Act 2003; however, this would leave the Authority open to legal challenges by way of appeals against decisions on licensing matters or judicial review.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Statement of Principles 2024-2029 – Licensing Act 2003
2	Table of proposed amendments
3	Equality Impact Assessment
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Flagged Crimes Performance Report for Community Safety produced by Derbyshire Constabulary in September 2023	

Office for Health Improvement & Disparities, [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](https://phe.org.uk)

Office for Health Improvement & Disparities, [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](https://phe.org.uk)

[Monitoring alcohol consumption and harm during the COVID-19 pandemic: summary - GOV.UK \(www.gov.uk\)](https://www.gov.uk)