

GENERAL PURPOSES AND LICENSING COMMITTEE – 22 NOVEMBER 2021

LICENSING ACT POLICY – REVIEW OF CONSULTATION RESPONSES

1. RECOMMENDATIONS

- 1.1 That the Committee note the consultation undertaken and based on the comments received, consider the amendments to the draft policy as suggested in points 4.4 and 4.6. Where agreed, the text will be amended and the draft Licensing Policy updated to version 3.
- 1.2 That subject to any changes arising from 1.1 above, the General Purposes and Licensing Committee commends the revised amended Licensing Policy in relation to the Licensing Act 2003, to the Council for approval at its meeting on 6 December 2021.

2. INTRODUCTION

- 2.1 The purpose of this report is to ask Members of the Committee to note the consultation undertaken, consider responses received and agree any subsequent amendments made to Council's revised Statement of Licensing Policy, in relation to the Licensing Act 2003 for the period 2022-2026 (inclusive). **Appendix 1** attached to this report.
- 2.2 It is a statutory requirement that the Statement of Licensing Policy must be approved by Full Council as this is not a function that can be delegated to the General Purposes and Licensing Committee.

3. BACKGROUND

- 3.1 The New Forest District Council is the Licensing Authority for this area and is required to discharge its responsibilities in relation to the Licensing Act 2003.
- 3.2 The licensing objectives which underpin the 2003 Act are:
 - the prevention of crime and disorder,
 - public safety,
 - the prevention of public nuisance; and
 - the protection of children from harm
- 3.3 The Licensing Policy outlines the Authority's approach in respect of granting personal and premises licences, Temporary Event Notices and Club Premises Certificates under the Licensing Act 2003, whilst promoting the licensing objectives.
- 3.4 The policy is reviewed every five years, to ensure that it remains current and reflects any changes in legislation or statutory guidance. Officers have taken the opportunity to revise the format and content of the policy to reflect the latest statutory guidance issued to licensing authorities to provide clarity for existing and potential licence holders whilst also assisting officers and Members.

4 CONSULTATION

- 4.1 The consultation took place between 12 September 2021 to 6 November 2021.
- 4.2 Consultees included the Responsible Authorities as defined by the Act; those being Hampshire Constabulary, Hampshire and IOW Fire Rescue Service, Hampshire County Council (Child Protection, Public Health and Trading Standards), New Forest

District Council Services (Environmental Protection, Health and Safety and Planning), in addition to other stakeholders such as Parish and Town Councils and neighbouring Local Authorities.

- 4.3 Licence holders were advised of the consultation and it was made available on the Council's website, together with details of how to respond.
- 4.4 At the General Purposes and Licensing Committee on 10 September 2021, Members discussed the draft policy and it was noted and agreed that a paragraph would be included in the revised policy to promote the awareness of drink spiking in licensed premises. It is suggested that the following paragraphs are added to 7.3 of the policy (page 14).

Licensees should also consider what measures can be taken to prevent the spiking of drinks at a premise, i.e. where drugs or alcohol are added to someone's drink without them knowing. Safety measures may include encouraging customers to ensure their drinks are not left unattended and the use of publicity material to remind customers to remain vigilant.

If a customer suspects that their drink has been spiked, this should be reported to the police immediately and the customer cared for appropriately. Staff should be trained regarding the possibility of drink spiking and the action to take if this occurs. CCTV can also be a valuable tool in determining the circumstances of any spiking event and provide evidence for the police.

- 4.5 We have received one response to the consultation (see **Appendix 2**) from Hampshire County Council Adults' Health and Care, Public Health Department. Comments have been made on the licensing objectives, general health statements and the cumulative impact policy.
- 4.6 The comments and requested amendments to the policy are:

Section 2 Introduction and Background (page 5 of the draft policy)

It is requested that information on the impact of alcohol on the New Forest is included in section 2, however the information provided will become dated during the life of the policy.

The draft policy (final paragraph of 2.1) refers to how sales of alcohol have changed over the years, however, Members may wish to enhance this paragraph based on the comments received, with the following text:

It is recognised by health professionals that harmful drinking can directly affect individuals, families and communities and can be detrimental to physical and mental health. Whilst licensed premises can provide a social environment, dependency on alcohol can also create problems through disruption of the home environment or wider anti-social behaviour.

Section 3 Licensing Objectives (page 8 of the draft policy)

The comments received request additional wording in relation to the licensing objectives specifically with regard to health.

It is considered that the current paragraph at 3.0 on page 3 is sufficient in its explanation that there are four licensing objectives which do not specifically relate to health but that the Local Authority recognise health issues caused by alcohol and will take account of them where possible. The Licensing Policy sets out the licensing

strategy and specific issues relating to individual premises would be dealt with under the Act. Any additional measures, conditions or restrictions considered appropriate would be imposed through due process and linked to existing objectives such as crime and disorder or public nuisance. Mandatory Licensing Act conditions also already regulate irresponsible drinks promotions and the sales of alcohol to children.

However, Members may wish to strengthen the paragraph, based on the comment by including the words “alcohol harm and health” to read as:

The Licensing Authority does recognise the issues around alcohol harm and health and will take them into account within the remit of the Act.

Section 14.1 Cumulative Impact Policy (page 28 of the draft policy)

It is suggested that Members agree the comment received relating to CIPs and request the additional sentence is inserted as the penultimate paragraph of 14.1 stating that:

The Licensing Authority have the option to issue a CIP following receipt of compelling evidence submitted by a Responsible Authority regarding adverse impact upon the licensing objectives.

5 CONCLUSIONS

- 5.1 It is a statutory requirement that the Licensing Authority review and revise the Statement of Licensing Policy under the Licensing Act 2003.
- 5.2 The adoption of the revised Statement of Licensing Policy is required by Members.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no additional financial implications of the proposals contained within this report.

7 CRIME & DISORDER IMPLICATIONS

- 7.1 The licensing policy supports the licensing objectives which includes crime and disorder.

8 ENVIRONMENTAL IMPLICATIONS

- 8.1 There is minimal environmental impact of these proposals.

9 EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 Where applicable the Licensing Act Policy will cover the approach taken by the Council to address equality and diversity matters

10 DATA PROTECTION IMPLICATIONS

- 10.1 There are none.

11 APPENDICES

Appendix 1 - NFDC Statement of Licensing Act Policy V02 for 2022-2026

Appendix 2 - Response received during the consultation from Public Health.

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Background Papers:

Statutory Guidance issued under S182 of
the Licensing Act 2003 (April 2018)

The Licensing Act 2003