

Report to:	COUNCIL
Date:	25 May 2021
Executive Member	Councillor Allison Gwynne – Executive Member (Neighbourhoods, Community Safety and Environment)
Reporting Officer:	Ian Saxon –Director (Operations and Neighbourhoods)
Subject:	LICENSING POLICY EXTENSION
Report Summary:	The report recommends the restatement of the current Statement of Licensing Policy for one year and for a full review and consultation being conducted in 2021/2022. This approach will enable the full review to take into account the impact of the Coronavirus pandemic on licensed businesses.
Recommendations:	That the Executive Cabinet RECOMMENDS to Council the re-statement of the current Statement of Licensing Policy for one year, subject to a full review and consultation process being conducted in 2021/2022. This approach will enable the updated Policy to take into account the impact of the Coronavirus pandemic on the licensed sector.
Corporate Plan:	The Licensing Policy is an integral part of the Council's role in promoting a safer borough by ensuring businesses adhere to regulatory compliance.
Policy Implications:	The proposals concern the Council's Statement of Licensing Policy under the Licensing Act 2003.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications arising from this report. However, Members should note that the various annual licence fee levels are approved by the Council within the Council's annual budget report. The licence fee levels for the 2021/22 financial year were approved on 23 February 2021 and are provided within Appendix 22 of the aforementioned report.
Legal Implications: (Authorised by the Borough Solicitor)	<p>Under LA 2003, licensing authorities are required to prepare and consult on a statement of licensing policy (SLP), setting out their strategic approach to local licensing, every five years. A number of councils' policies are due to be reviewed this year to ensure they comply with the five-year cycle, including Tameside Metropolitan Borough Council's.</p> <p>The current emergency position has hindered physical meetings and has had an effect on the licensing authority's ability to progress the review and comply with the statutory requirements on consultation with stakeholders.</p> <p>If an Authority is concerned about its ability to carry out an effective review of policy at this point in time, they may wish to consider consulting on the retention of the existing policy (with any obvious amendments) in the short term, and then subsequently conduct a more detailed review if necessary within the 3 or 5 year cycle.</p> <p>This report is proposing this, with an extension of one year of the current policy at Appendix 1; so that a detailed review can be</p>

progressed and comply with the statutory requirements on consultation with stakeholders.

The Local Government Association has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned.

The licensing policy will be a material consideration when the Council is considering applications and reviewing licenses under the statutory code.

Failure to extend the current licensing policy would leave the Authority vulnerable to challenge and would prohibit the Licensing committee making any decisions. The Authority would also have failed to comply with the duty imposed on it by Section 5 of the Licensing Act 2003.

Risk Management:

The Council has a statutory duty to have a Licensing Policy in place. By re-instating the current policy for a year, it is expected that the impact of Covid-19 on licensed industries can then be better assessed to enable a thorough review of the Licensing Policy.

Background Information:

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection and Regulatory Services:



Telephone: 0161 342 2277



e-mail: sharon.smith@tameside.gov.uk

1. INTRODUCTION

- 1.1 Section 5 of the Licensing Act 2003 requires Tameside Council to review its Licensing Policy every 5 years. The Council's previous policy was approved at Full Council on 21 January 2016.
- 1.2 Ordinarily a revised policy statement would be prepared, approved for consultation and a 12-week public consultation be carried out in advance of a final revised policy being approved.
- 1.3 Due to the extraordinary impact of the Coronavirus pandemic in 2020, this full review has not been able to take place.
- 1.4 The Government have clarified that primary legislation would not be amended to delay the requirement for Councils to review statements of licensing policy.
- 1.5 Therefore, it is proposed to carry over the current policy subject to a full review being carried out in 2021/2022.
- 1.6 Responsible authorities and licensed trade networks have been informally consulted on this proposed approach.

2. REASONS FOR THIS APPROACH

- 2.1 The impact of the Coronavirus pandemic on licensed premises and night time economy has been severe. Several licensed premises have closed due to the pandemic and venues such as nightclubs have been unable to open since March 2020 and it is not clear what the lasting impacts on the sector will be.
- 2.2 The revised policy will need to effectively reflect the situation post-Covid as we move beyond the pandemic.

3. UPDATES TO POLICY

- 3.1 Only the foreword of the policy has been updated. A copy is provided at **Appendix 1**.

4. RECOMMENDATIONS

- 4.1 As set out at the front of the report.