

**COMMITTEE REPORT**

**COUNCIL**

**29 MARCH 2017**

**APPROVAL OF THE STATEMENT OF LICENSING ACT POLICY 2017-2022,  
ALCOHOL HARM REDUCTION STRATEGY 2017- 2022 AND APPROVAL OF SIGN  
UP TO THE LOCAL GOVERNMENT ALCOHOL DECLARATION**

**Kevin Parkes**

**Executive Director Economic Development and Communities**

**PURPOSE OF THE REPORT**

1. To seek Council approval for the Statement of Licensing Act Policy 2017-2022 and the Alcohol Harm Reduction Strategy, 2017-2022.
2. To seek Council support for the sign up to the Local Government Alcohol Declaration.

**BACKGROUND**

3. Middlesbrough has some of the poorest performance in the country in relation to alcohol related ill health, mortality, crime and disorder and antisocial behaviour. Whilst there are improvements in all the hospital admission indicators, all the mortality related indicators are showing negative trends.
4. Middlesbrough Council participated in the national Local Alcohol Action Area (LAAA) programme set up by the Home Office to develop local action to tackle alcohol issues across the town, particularly in relation to reducing alcohol related crime and disorder, alcohol related health harms and to promote growth by establishing diverse and vibrant night time economies. This work carried out has underpinned the review and development of key strategic documents relating to regulating and controlling alcohol issues in the town.

**Review of Middlesbrough's Statement of Licensing Policy**

5. The Licensing Act 2003 establishes a single integrated scheme for the supply of alcohol, the provision of regulated entertainment and late night refreshment. Permission to carry out some or all of these functions is contained in a "premises licence" and "personal licences" are required relating to the supply of alcohol. As

part of the application process, applicants are required to submit an operating schedule to the Licensing Authority (Local Authority) which addresses the four licensing objectives of:

- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm.
6. The Licensing Act 2003 requires the Licensing Authority to set down its policy in relation to exercising licensing functions and to publish a Statement of Licensing Policy. The Licensing Policy has two important functions:
- It provides the foundation for decisions made by the Licensing Authority and Licensing Sub Committee.
  - It provides guidance and direction to prospective applicants for licences in Middlesbrough.
7. The Act requires the Licensing Authority to review its policy every five years. The Statement of Licensing Policy 2016-21 was approved by the Council at its meeting on 6 January 2016 with a recommendation for a review and a refresh of the policy to be carried out in 2016/17. To conduct the review work has been carried out with the Responsible Authorities, LAAA steering groups (including Public Health England) Executive Member for Adult Health and Social Care, Chair of the Licensing Committee, Local Safeguarding Children's Board, Economic Regeneration to make changes to the policy document.

#### Licensed Premises in Middlesbrough

8. Since the implementation of the Licensing Act in 2003 and the publication of the first Licensing Policy there have been some changes to the structure of licensed premises in the town:
- A reduction in the number of large vertical drinking style premises in the town centre.
  - Many public houses have taken advantage of the extended opening hours and allow dancing in their premises, in effect replacing the large "night club" style premises.
  - An increase in the number of restaurants in the town centre.
  - Diversification in the types of licensed premises in the town centre and development of a variety of night time hubs such as Baker Street, Southfield Road, the Campus Heart and the established Wilson Street/Albert Road location.
  - An increase in the number of off licence premises across the town. Many retailers have extended their offer to include the sale of alcohol. Alcohol is now more available and being sold at a cheaper price than in 2005, emphasising the importance of responsible retailing and a robust licensing scheme.

## Regulation of Licensed Premises

9. Licensing Officers inspect licensed premises on a risk basis, working closely with Cleveland Police Licensing Officers. From January 2011 to Jan 2017, Middlesbrough Council has carried out 853 inspections of licensed premises to check compliance with the Licensing Act. In general, officers find high levels of compliance premises licence conditions, with only minor issues of non-compliance.

10. When problems arise in a licensed premises, the Licensing Act provides a process for reviewing licences which can be an effective means to deal with non-compliant premises. Reviews are instigated by Responsible Authorities (Police, Trading Standards, Environmental Health, Health and Safety, Planning and the Fire Authority) and are made in relation to the premises upholding the licensing objectives. Licensing Sub-Committees hear Review applications and they have imposed a range of highly effective conditions specific to the issues in question. In some cases, Licensing Sub-Committee has revoked premises licences. In the period Jan 2011–Jan 2017:

- 17 review applications were referred to the Licensing Committee resulting in 6 licence revocations, 2 suspension and 7 licences where additional conditions were added. 1 application was withdrawn and 1 licence was surrendered prior to the hearing.
- 44 applications for premises licences/ variations have been referred to the Licensing Committee of which 20 were refused.
- 14 convictions/cautions have been issued for offences including breach of licence conditions, underage sales, selling alcohol after hours and trading without a licence.

The appeal against any licence revocation is through the Magistrates Court.

11. As a result of the review of the Statement of Licensing Policy 2017-2022 the following changes have been made:

- Strengthening the licensing objective on “Protection of children from harm in relation to safeguarding and prevention of child sexual exploitation in licensed premises.
- Premises license holders will be required to risk assess their premises for safeguarding and child sexual exploitation matters and put procedures in place to reduce risk. This policy will be applied on the basis of risk associated with the type of premises. In circumstances where the premises are considered at a higher risk for CSE the requirement for processes and procedures may be introduced as a condition on new premises’ license. Some responsible authorities have already starting asking for this on new or variation license applications. The implementation of this policy will also act a process for raising awareness about safeguarding and CSE in licensed premises.
- The policy has been strengthened in relation to the procedures for preventing underage access to licensed premises building on the Home Office Guidance.
- The Policy recognises the balance between the development of the night time economy with the crime prevention and public health agenda, to

maximize the investment potential by promoting how the town regulates and ensures a safe and responsible night time economy.

Further work is proposed to develop a Best Practice Guide for Licensed Premises and the development of model conditions which will promote wider responsible retailing practices and complement those already contained within the Statement of Licensing Policy.

12. A six week period of consultation on the Statement of Licensing Policy was carried out with statutory consultees and wider partners (these are recorded in Appendix 1 to the Policy). A summary of the comments received and the responses given are shown in Appendix 1 to this report. Appendix 2 shows the proposed Statement of Licensing Policy 2017-2022.

### **Alcohol Harm Reduction Strategy 2017-2022.**

13. Building on the LAAA developmental work and a series of engagement events through the partnership meetings, a strategy has been produced which identifies the following priority areas:
  - a) Priority 1. Increase awareness, knowledge and understanding of alcohol and its related harms and work towards a culture of responsible drinking where individuals make more informed choices about alcohol,
  - b) Priority 2. Promote responsible alcohol retailing and support a safe, vibrant and diverse night time economy, working in partnership with the local alcohol businesses to reduce alcohol related harm,
  - c) Priority 3. Improve individual health and wellbeing through the provision of effective alcohol early help and recovery services for those that need them,
  - d) Priority 4. Protect children, young people and families from alcohol related harm and support them to achieve better outcomes through early identification, safeguarding and interventions,
  - e) Priority 5. Reduce alcohol related crime, disorder and anti-social behaviour by tackling alcohol related offending by individuals and irresponsible alcohol retailing.
14. Key actions under each priority area were identified by partners. A two week consultation exercise took place and a consultation event attended by over 60 delegates was carried on 6th February, 2017. The majority of feedback at the consultation event relates to the delivery of the strategy, the proposed action plan and the outcome measures. The written responses received through the consultation process are recorded in Appendix 3. The Alcohol Harm Reduction Strategy is shown in Appendix 4.
15. The accountability for the delivery of the strategy will be through the Public Health Delivery Partnership and the Community Safety Partnership with both feeding into the Health and Well-being Board.

### **Local Government Alcohol Declaration.**

16. The Local Government Declaration on Alcohol was developed in response to the ongoing damage that alcohol does to communities in the North East. It is a pledge to take action and a statement about the local authority's commitment to protecting their local community from the harm caused by alcohol. The Declaration is intended to act as a local statement of intent to demonstrate local authority leadership on tackling alcohol harm and to make a collective statement about the importance of this issue locally, regionally and nationally.
17. The commitments set out in the declaration will result in action across the whole system to address the harm that alcohol causes. To date a number of north east councils have signed up to the declaration. The proposed declaration is shown in Appendix 5.
18. Our local approach to tackling and regulating alcohol issues in the town utilises the learning from the LAAA to refresh the Alcohol Harm Reduction Strategy and the Statement of Licensing Policy and provides a clear vision for Middlesbrough Council's sign up to the Local Government Alcohol Declaration.

## **IMPACT ASSESSMENT**

19. An initial Impact Assessment has been carried out and no negative or adverse impacts have been identified.

## **OPTION APPRAISAL/RISK ASSESSMENT.**

20. The Licensing Policy is a requirement of the Licensing Act 2003 to ensure legal compliance for the Council in assessing applications and other processes under this legislation. The Licensing Policy must be ratified by full Council. If the Authority chose not to review its Licensing Policy this would be a breach of statutory duty and therefore this cannot be considered as an option.
21. The adoption of Middlesbrough Alcohol Harm Reduction Strategy 2017-2022 provides a clear partnership message to tackling alcohol issues in the town whilst supporting the development of a vibrant and safe night time economy.

## **FINANCIAL/LEGAL AND WARD IMPLICATIONS**

22. In relation to the Licensing Policy, the annual fee levels paid by licensed premises are set by the Secretary of State to provide for full cost recovery of all licensing functions including the preparation and publication of the Licensing Policy Statement.
23. All wards are likely to be affected by the proposals as licensed establishments are widely dispersed throughout the town in both commercial and residential areas. There are specific wards which will be affected by Cumulative Impact Policies which are stated within the Statement of Licensing Policy.

24. The proposed changes to Middlesbrough's Licensing Policy Statement are sufficient to require republication and a period of consultation has been undertaken with the required statutory bodies. The Licensing Policy must be ratified by full Council in order to be fully adopted.

#### **SCRUTINY.**

25. The Statement of Licensing Policy and Alcohol Harm Reduction Strategy 2017-22 were reported to the Community Safety and Leisure Scrutiny Board meeting on 6<sup>th</sup> February, 2017.

#### **RECOMMENDATIONS**

26. That the Statement of Licensing Policy 2017-22 is approved by Council.

27. That the Alcohol Harm Reduction Strategy 2017-22 is approved by Council and approval granted for the sign up to the Local Government Alcohol Declaration.

#### **REASONS**

28. The Licensing Policy must be ratified by full Council in order to be fully adopted.

#### **BACKGROUND PAPERS**

29. The following background papers were used in the preparation of this report:

Guidance issued under Section 182 of the Licensing Act 2003.

#### **AUTHORS**

Judith Hedgley  
Tim Hodgkinson  
728215

