

Cherwell District Council

Overview and Scrutiny Committee

12 January 2021

(Draft) Statement of Licensing Policy

Report of Assistant Director – Regulatory Services and Community Safety

This report is public

Purpose of report

This report introduces a first draft of the revised Statement of Licensing Policy (attached as Appendix 1). It explains the reason for the review, provides a summary of the main changes to the current policy, and outlines the consultation process followed. The Scrutiny Committee is requested to provide input to the policy before it is considered by the Executive and Full Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 To provide views on the proposed changes and suggest any additional amendments they consider necessary.

2.0 Introduction

- 2.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy outlining the principles they propose to apply in exercising their functions under the Act.
- 2.2 The policy covers licensable activities such as the sale and supply of alcohol, regulated entertainment and late-night refreshment.
- 2.3 It is a requirement that the policy is reviewed at least every five years to ensure it reflects current legislation and guidance, although the Licensing Authority can review it at any time. The last review and revision occurred in 2015 when the policy was adopted by Council at its meeting on 14 December 2015 and published in January 2016.

3.0 Report Details

- 3.1 The revised draft policy is attached at Appendix 1 and a summary of the changes is attached at Appendix 2.
- 3.2 The main changes are additional requirements regarding child exploitation and safeguarding (paragraphs 16.9 and 16.10), and additional requirements regarding the provision of no smoking seating to external seating areas (section 27). The requirement for 70% of the seating to be no smoking is in line with the requirements introduced under the Business and Planning Act 2020 in relation to pavement licence conditions.
- 3.3 The Act requires a consultation to be carried out with the persons/groups detailed in section 5 below. This was carried out between the 8 December 2020 and 5 January 2021. At the time writing no comments had been received.

4.0 Conclusion and Reasons for Recommendations

- 4.1 To consider the proposed changes and suggest any additional amendments prior to the draft policy being considered by the Executive BPM on 20 January 2021 and the Executive on 1 February 2021.

5.0 Consultation

- 5.1 We consulted with the following responsible authorities:

- Thames Valley Police (Licensing)
- Oxfordshire County Council Fire and Rescue (as the Fire Authority for the area)
- Trading Standards
- Environmental Health
- Cherwell District Council's Planning Department (as the Planning Authority)
- Oxfordshire County Council Public Health

- 5.2 We also consulted:

- Holders of premises licences
- Holders of club premises certificates
- Holders of personal licences
- Parish Councils

- 5.3 The document was also circulated to Councillor Douglas Webb, Chairman of the Licensing Committee, and Councillor Andrew McHugh, Portfolio Holder for Health and Wellbeing.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not review the policy. It is a statutory requirement that the policy is reviewed at least every five years so this option is rejected.

- 6.2 Option 2: Re-issue the policy with no changes. This option was rejected since revisions of the policy were considered necessary to take into account changes in safeguarding practice and commitments provided by the council to support smoking reduction in Oxfordshire.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:

Kelly Wheeler, Finance Business Partner 01295 221570
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Legal Implications

- 7.2 There are no legal implications arising directly from this report.

Comments checked by:

Colin Evans, Solicitor, 01295 753701, colin.evans@cherwell-dc.gov.uk

Risk Implications

- 7.3 There are no risks arising directly from this report

Comments checked by:

Louise Tustian, Strategic Intelligence and Insight Team Leader, 01295 221786
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- 7.4 An Equality and Climate Impact Assessment was completed and there were no issues arising from the assessment.

Comments checked by:

Samantha Shepherd, Policy Team Leader, Communications, Strategy and Insight
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8.0 Decision Information

Key Decision: N/A as not an Executive report

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

The work contributes to the following strategic priorities within the Council's 2020-21 Business Plan:

- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

N/A

Document Information

Appendix number and title

- Appendix 1 draft Statement of Licensing Policy
- Appendix 2 Summary of changes

Background papers

None

Report Author and contact details

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