

Cherwell District Council

Executive

1 February 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 second draft of the revised Statement of Licensing Policy (attached as Appendix 1) following consultation. 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 Executive Committee is requested to provide input to the policy before it is considered by 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.
- 1.2 To consider the recommendation from the Oxfordshire Tobacco Control Alliance that where external seating is provided 100% of the seating should be no smoking and not 70% as proposed in the draft policy.

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.

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 Full Council on 22 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.

- 5.4 Oxfordshire County Council Public Health responded to the consultation. Under the section on the prevention of crime and disorder they have recommended additional information be included on Pubwatch, CCTV, alcohol consumption, dispersal policies, illegal drugs and modern slavery. Under public safety they have recommended additional information be included on alcohol harm reduction and

occupancy limits. Under the prevention of public nuisance, they have recommended additional information be included on odour, waste, the use of outside areas and unregulated entertainment. And under the section on the protection of children from harm have recommended that additional information be included on age verification, proxy sales, and child exploitation. Their recommendations have been included in the policy.

- 5.5 A response to the consultation was received from The Oxfordshire Tobacco Control Alliance. They support and commend the inclusion of the section on Smokefree. They have recommended that where external seating is provided 100% of the seating should be no smoking and not 70% as proposed in the draft policy. They have also questioned the requirement of a minimum distance of two metres between smoking and non-smoking areas. There is no safe level of second hand smoke, and any non-smoker situated two metres from a smoker would be able to identify the odour of burning tobacco and therefore be exposed to harm.
- 5.6 The Licensing Team received fifteen enquiries from licensees asking how the revisions in the policy would affect them and if there was any action they would need to take, and these were all responded to.
- 5.7 The draft policy was considered by the Overview and Scrutiny Committee at its meeting on Tuesday 12 January 2021 and no amendments were recommended.

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:
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7.4 An Equality and Climate Impact Assessment was completed. The changes to the Licencing Statement are going to have a positive impact for children (against the 'age' protected characteristic) because the change will improve the safeguarding of children.

Comments checked by:
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8.0 Decision Information

Key Decision: Yes

Financial Threshold Met: Yes

Community Impact Threshold Met: Yes

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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