

Meeting date: Friday 27 November 2020

Report to: Licensing Committee



Subject/report title: Statutory Revision of Statement of Licensing Policy under Licensing Act 2003 – approval of document for publication

Report from: Director for Economy & Infrastructure

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Wards affected:

All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph: Select an Exemption paragraph from the Quick Parts drop-down list

1. Purpose of Report

1.1 To note the comments received in response to the consultation relating to the statutory review of the Statement of Licensing Policy under the Licensing Act 2003.

2. Decision(s) recommended

2.1 To approve the updated document and recommend its ratification and adoption by Full Council on 8 December.

3. Matters for Consideration

3.1 The Council is required to review and publish a Statement of Licensing Policy every 5 years (or earlier if deemed necessary). The last revision was published in January 2016, so the next one needs to be published by January 2021.

3.2 Due to the COVID-19 pandemic, and the impact it has had on licensing authorities and the hospitality industry, consultation was undertaken on the basis that the current policy should be rolled forward in its existing form, although any representations received should be taken in to account and incorporated in to the policy statement as appropriate.

3.3 At the time of writing this report (20 November), one representation has been

received, from the Local Safeguarding Children’s Partnership. This is attached at **Appendix A.**

3.4 As the consultation does not close until Wednesday 25 November, any further comments or representations received will be forwarded to members of the Committee accordingly. The revised draft Statement of Licensing Policy document will also be forwarded for consideration after this date so that all comments can be incorporated into one draft version.

4. What options have been considered and what is the evidence telling us about them?

4.1 There are no alternative options as this is a statutory requirement.

5. Reasons for recommending preferred option

5.1 The Licensing Act 2003 requires Licensing Authorities to publish their Statement of Licensing Policy on or before 7 January in each five year period.

6. Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. UK Central (UKC) and maximising the opportunities of HS2. 3. Increase the supply of housing, especially affordable and social housing. 	<p>The Statement of Policy outlines the general approach the authority will take in making decisions about licensing applications. This includes a generally permissive regime (provided the licensing objectives are promoted satisfactorily), which helps to build a thriving local economy.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 4. Enhance Solihull’s natural environment. 5. Improve Solihull’s air quality. 6. Reduce Solihull’s net carbon emissions. 	<p>One of the four licensing objectives is the Prevention of Public Nuisance, which is generally defined as noise, litter and noxious smells. The Statement of Policy illustrates how the licensing authority and applicants/licence holders can help to promote this objective and therefore minimise the impact on the local environment.</p>
<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances in our most disadvantaged communities. 8. Enable communities to thrive. 	<p>The Statement of Policy helps to outline the balance between the needs and rights of local residents and the ability of licence holders to operate a responsibly managed thriving business. The licensing objective ‘Protection of Children from Harm’ ensures</p>

<p>9. Sustainable, quality, affordable provision for adults & children with complex needs.</p>	<p>that children are not exposed to licensable activities that may endanger them. It is a requirement of the Licensing Authority and applicants/licence holders to ensure the objectives are upheld. .</p>
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6.2 Consultation and Scrutiny:

6.2.1 A 20-day consultation took place between 6-25 November. All responsible authorities and a number of trade/residents representatives were contacted by email and the consultation was advertised publicly on the Council website and through social media channels as appropriate.

6.3 Financial implications:

6.3.1 None

6.4 Legal implications:

6.4.1 It is a statutory requirement to review, consult on and publish a Statement of Licensing Policy at least once every 5 years.

6.5 Risk implications:

6.5.1 Although no changes to the existing policy were proposed, the short length of the consultation period may be challenged. However due to the Council meeting schedule and the need to publish the Statement of Policy by 7 January 2021, it was felt that this risk is low.

6.6 Equality implications:

6.6.1 None identified

7. List of appendices referred to

7.1 Appendix A – Representation from the Local Safeguarding Children’s Partnership.

8. Background papers used to compile this report

8.1 None

9. List of other relevant documents

9.1 Licensing Act 2003

9.2 Home Office Guidance issued under section 182 of the Licensing Act 2003 (dated April 2018)

APPENDIX A

Hi

Please find below my suggested amendments for the statement of licencing policy for consideration:

Page 4 heading for section 15.8 is Child Sexual Exploitation; this should be Child Exploitation

Page 6 section 2.3 makes reference to Local Safeguarding Children Board(LSCB); this should be Local Safeguarding Children Partnership(LSCP).

Page 10 section 6.3 makes reference to Child Sexual Exploitation – this should be Child Exploitation

Page 16 section 15.4 addition in italics recommended: Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions may be imposed requiring the presence of an appropriate number of adult staff (ratio may be specified) to ensure safety and protection from harm. *Staff required to work with unaccompanied children will be recruited following safer recruitment policies that will include the requirement for enhanced DBS checks. Any allegations made about harm to children will be reported to the Local Authority Designated Officer (LADO)*

Page 16 section 15.5 3rd point states the requirement to be accompanied by an adult; this should be the requirement to be accompanied by an *appropriate* adult

Page 16 section 15.6 addition in italics recommended: The Licensing Authority will not normally impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licensee or club *who should always remember that it is everyone's duty to safeguard and promote the wellbeing of Children.*

Page 16 section 15.7 addition in italics recommended: The applicant may wish to consider displaying prominent signage informing customers that it is an offence to sell or allow the sale of alcohol to children, to purchase alcohol on behalf of a child, or for a child to buy or attempt to buy alcohol for themselves. *In addition, those supervising children may be refused the sale of alcohol to prevent the neglectful care of children from parents or carers if they are irresponsibly under the influence of alcohol.*

Page 16 section 15.7 currently states: "The Licensing Authority encourages applicants and licence holders to demonstrate how the risks of child sexual exploitation will be minimised and managed, e.g. through the implementation of a child protection policy. Applicants and licence holders should be fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime. This information should be cascaded appropriately to staff through training. Appropriate conditions may be attached to protect children from moral, psychological or physical harm." Recommended change: *"The Licensing Authority encourages applicants and licence holders to demonstrate how the risks of child sexual exploitation will be minimised and managed, e.g. through the implementation of a child protection policy. This should reflect that Solihull recognises that exploitation is deliberate maltreatment and manipulation irrespective of their age, gender, ethnicity, background or ability and sexuality and comes in many forms including: Modern Slavery, Human Trafficking, Sexual Exploitation- which is a form of sexual abuse – and Criminal Exploitation. Applicants and licence holders should be fully aware of the signs of child exploitation and radicalisation and understand that these are both abuse and a crime. This information should be cascaded appropriately to staff through training. Appropriate conditions may be attached to protect children from moral, psychological or physical harm."*

I also think the statement is lacking something about Modern Slavery being included in the scope of the document; given the requirement under Section 54 (Transparency in Supply Chains) of the Modern Slavery Act 2015 that certain commercial organisations must publish an annual statement setting out the steps they take

to prevent modern slavery in their business and their supply chains (certain organisations being: A commercial organisation is required to publish an annual statement if all the criteria below apply: it is a 'body corporate' or a partnership, wherever incorporated or formed; it carries on a business, or part of a business, in the UK; it supplies goods or services; it has an annual turnover of £36 million or more) within the body of the statement there should be the requirement for responsible recruitment and treatment of staff. Should there be a statement of how the Local Authorities Licensing links to the Gang Masters Licensing Act (2004)?

Regards

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