

CLIMATE CHANGE AND COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Climate Change and Communities Scrutiny Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Tuesday, 20th February 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Ashley Taylor in the Chair

Councillors: Cathy Jeffery, Rob Hiney-Saunders and Emma Stevenson.

Officers:- Steve Brunt (Strategic Director of Services), Lindsay Delamore (Licensing and Enforcement Officer), Thomas Dunne-Wragg (Scrutiny Officer), Jim Fieldsend (Monitoring Officer), Charmaine Terry (Environmental Health Team Manager - Licensing), Peter Wilmot (HR Business Partner), Joanne Wilson (Housing Strategy and Development Officer), Alison Bluff (Governance and Civic Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting was Councillor Anne Clarke, Portfolio Holder for Environment.

CLI2823/24 APOLOGIES FOR ABSENCE

Apologies for absences were received from Councillors Janet Tait, Catherine Tite and Carol Wood.

CLI2923/24 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

CLI3023/24 REVIEW OF THE COUNCIL'S POLICY UNDER THE LICENSING ACT 2003

Committee considered a report in relation to the Council's Policy under the Licensing Act 2003 which had recently been reviewed.

The Environmental Health Team Manager – Licensing explained that under the Licensing Act 2003, the Council was responsible for the administration and regulation of licences and certificates which authorised the following activities:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

The Team Manager referred to the four licensing objectives which were central to the regulatory regime created by the Act. These were:

- The Prevention of Crime and Disorder;

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- The Prevention of Public Nuisance;
- The Protection of Children from Harm;
- Public Safety.

When discharging its functions, the Council, as a statutory Licensing Authority, would have to make decisions with a view to promoting the objectives listed above.

The Licensing Act 2003 imposed a statutory requirement upon the Council, to prepare and publish a Statement of Principles, alternatively referred to as the 'policy', every five years.

The Team Manager explained that in 2018 a review had been undertaken to ensure that the Council's policy was consistent with the statutory guidance and in a format common to neighbouring authorities to enable consistency and transparency.

The policy established a set of controls which the Council considered appropriate for the effective management of licensable activities within the district. The Policy would act as a guide for Members, applicants, responsible authorities, and members of the public, and aimed to promote fair, consistent, and proportionate decision making.

The Team Manager noted that the initial review had made changes where there were local and national areas of concern. Appendix 1 to the report provided a map showing the administrative boundaries of the district, and Appendix 2 to the report presented the proposed amendments to the Statement of Principles of the Licensing Act 2003. This was done to increase clarity between the previous 2019 Policy and the current draft 2024 policy.

Following approval at the subsequent Licensing and Gambling Acts Committee, a six-week consultation period would be carried out in line with the statutory requirements, the results of which would be presented back to the Committee for consideration, before a final draft was recommended to Council for adoption.

The main changes made were in relation to promoting better management, for example, provide better reporting methods for Gender Violence Acts (GVA), especially towards women and girls. Other changes, such as decisions, would be delegated to officers. Demographics had also been updated in the policy.

The Team Manager highlighted that there had been little change on the number of licensed premises, with 255 licensed premises in 2024, and 254 premises in 2019. The number of complaints against licensed premises had also been consistent with a drop in complaints registered during the COVID-19 Pandemic, and an increase following Pandemic lockdowns.

For alcohol related crime in 2023, there had been an overall increase across the district, however, some areas had decreased. These figures had been produced by Derbyshire Constabulary in September 2023.

This increase could be seen across Derbyshire, with most local authorities having seen an increase in alcohol related crime during and/or after the COVID-19 Pandemic. The Team Manager noted that this showed no correlation between alcohol related crime and the policy, as more people were drinking alcohol at home.

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Alcohol related mortality was higher across the district than the county and country at large, but this was a complex issue and the Team Manager again reiterated this was not necessarily a result of the current policy. However, it would still be important for the Council to attempt to address this issue.

The Team Manager highlighted that across the UK, alcohol crime had increased since the COVID-19 Pandemic, and so too had GVA against women and girls.

Research had shown that alcohol related health issues, alcohol related crime, and violence against women, were all issues prevalent in the district. Whilst research did not highlight licensed premises as a direct causation of these issues, modifications had been made to the policy with the aim of making a positive contribution to the reduction of these issues.

The Team Manager used the example of more robust measures for adult entertainment licensed premises; allowing these businesses to make GVA easier to report.

Committee would review the revised draft 2024 Policy Statement of Principles, under the Licensing Act 2003, with the intention to carry out a public consultation on the new statement. This would be published in 2024 and provide comments for consideration by the subsequent Licensing and Gambling Acts Committee, before to Council for adoption.

The Team Manager referred to an addition in the revised policy, which stated the following:

The Council had a local plan in place which would set out the vision and strategy for planning and economic development in the district. Where it was reasonable and necessary for the promotion of the licensing objectives, the Council would aim to harmonise decisions where overlapping issues of interest had been identified.

This had been included in the revised policy to clarify the link between the planning and licensing regimes. With an added encouragement to harmonise planning and licensing decisions where the situation would dictate.

A Member noted the current policy had expired in January 2024 and queried the lateness of the review. The Team Manager apologised to Members for the delay in the review and noted that the Licensing Team had suffered staff shortages, which had now been addressed.

A Member sought clarity on the proposed change which referred to counter terrorism and queried if all licensed premises would need to have a terrorist threat response in place and if temporary events would need to cover such matters.

The Team Manager confirmed that guides would need to be in place to ensure good overall practice. Martyn's Law was not currently in place, but there would be obligations on certain premises for responding to a terrorist threat. This would not be imposed on all businesses, but it would be expected for larger businesses. Temporary events would not be particularly obliged to do so, but larger events would likely have to regardless; it was a general rule to encourage such practice.

The Member noted that, with regard to Martyn's Law and Cumulative Impact

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Assessments, while understandable up to a certain number of people, the added cost would not make smaller events economically viable.

The Team Manager insisted it was not necessary for smaller events to carry out such an assessment. Some premises would already have security measures in place. For premises which already had Cumulative Impact Assessments, they had door staff for security anyway, but there was previously only one measure to mitigate a terrorist threat.

The Member thanked officers for the report and noted it was a very comprehensive report.

Moved by Councillor Emma Stevenson and seconded by Councillor Robert Hiney-Saunders

RESOLVED that the revised draft Statement of Principles under the Licensing Act 2003, and the intention to carry out a public consultation on a new statement, be published in 2024, be noted.

The meeting concluded at 10:21 hours.