

Chichester District Council

Cabinet

3rd November 2020

Council

24th November 2020

Revised Statement of Licensing Policy 2020-2022 – Licensing Act 2003 & Revised Sex Establishment Policy 2020-2025 – Local Government (Miscellaneous Provisions) Act 1982

1. Contacts

Report Author:

Laurence Foord – Divisional Manager (Communications, Licensing and Events)
Telephone: 01243 534742 E-mail: lfoord@chichester.gov.uk

David Knowles-Ley – Licensing Manager
Telephone: 01243 534743 E-mail: dknowles-ley@chichester.gov.uk

Cabinet Member:

Alan Sutton – Cabinet Member for Housing, Communications, Licensing and Events
Telephone: 01798 342452 E-mail: asutton@chichester.gov.uk

2. Recommendation to Cabinet

- 2.1 That the revised Statement of Licensing Policy for the period 2020-2022 and revised Sex Establishment Policy for the period 2020-2025 be approved and referred to Council for consideration on 24th November 2020.**

Recommendation to Council

- 2.2 That, subject to consideration of any comments referred by Cabinet, the revised Statement of Licensing Policy for the period 2020-2022 and revised Sex Establishment Policy for the period 2020-2025 is approved for subsequent publication.**

3. Background

- 3.1 As the local Licensing Authority, Chichester District Council is required under the Licensing Act 2003 (the 'Act') to publish a Statement of Policy with respect to the exercise of its various functions in relation to alcohol and entertainment licensing. The current policy is due to expire on the 6th January 2021. In addition, under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Police and Crime Act 2009, the council has previously adopted a local Sex Establishment**

Policy in respect of the licensing of sexual entertainment venues, sex shops and sex cinemas. Again this policy is due to expire on the 16th May 2021.

- 3.2 Nationally there is a great deal of uncertainty surrounding renewing such licensing policies at the current time. The Covid-19 global pandemic has substantially changed everything within the hospitality sector and particularly the late night economy. The future is very uncertain for many licensed businesses and many have had to repeatedly adapt their business models in order to not only make their business commercially viable, but to adhere to the ever changing guidelines/legal requirements so as to minimise the risk of infection.
- 3.3 Ordinarily when undertaking a policy review we undertake a minimum of six week public consultation exercise. This includes consulting with the trade and key partners. Various reports are subsequently presented to the Alcohol and Entertainment Licensing Committee or General Licensing Committee, Cabinet and ultimately Council seeking eventual approval.
- 3.4 However, the Local Government Association (the 'LGA') published a document titled *'Approaches to managing licensing and related issues during the COVID-19 pandemic – Advice for Licensing Authorities'* dated 17th April 2020. Within this publication it states that *'Councils may want to consider with members whether it would be pragmatic to delay their consultations given the current challenges in effectively engaging with the local trade and residents. The LGA has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned.'* Officers are entirely supportive of this approach as they firmly believe that given the unprecedented nature of the current situation, that we should focus our resources on supporting licensees so as to assist them in operating their businesses in a safe and legal way and helping them to make their businesses sustainable for the future.
- 3.5 Since the LGA's publication in April, Westminster City Council and a number of other large Licensing Authorities have written a joint letter to the Home Office and key Government Ministers seeking a further extension for between 18 months to two years before a Licensing Authority has to determine and publish any statutory policies. The outcome of this action is currently undetermined.
- 3.6 Rather than simply readopt our existing policies as currently written, officers have taken the opportunity to review the contents of both our existing Statement of Policy and Sex Establishment Policy. General housekeeping to both documents has been undertaken so as to ensure that there is nothing within either document that is now out of date and therefore incorrect. No substantive changes in terms of policy changes or requirements have been made to either. Both of the revised policies are shown at Appendix A and B.
- 3.7 With regard to the Statement of Policy under the Licensing Act 2003, given that this policy affects and applies to so many current operators, the intention is to approve the revised policy until the end of the 31st January 2022 (this being one year from the expected expiry of our current policy). However, with regard to the Sex Establishment Policy, there are no current premises licensed within the Chichester district nor have any enquiries been received. Therefore it is believed that it is appropriate to approve this policy for a period of 5 years i.e. until the end of the 23rd November 2025. Clearly we would keep both policies under review.

4. Outcomes to be Achieved

- 4.1 We are under a legal duty to have in place a Statement of Licensing Policy under the Licensing Act 2003 and have previously determined to have a local policy in respect of Sex Establishment Policy although this is not legally required. The policies set out very clearly to applicants, licence holders and other interested parties what the legal and Council expectations are in respect of these licensing functions.

5. Proposal

- 5.1 If the revised policies are both approved, they would be immediately published in order to assist in the consideration and determination of applications and associated licensing matters.

6. Alternatives Considered

- 6.1 No alternatives have been considered as the Council is under a statutory obligation to have in place these policies.

7. Resource and Legal Implications

- 7.1 There are no resource or legal implications associated with this report.

8. Consultation

- 8.1 As outlined previously in this report, given the current unique situation there is no intention to consult on the either revised policy on this occasion.

9. Community Impact and Corporate Risks

- 9.1 There are no community impact and/or corporate risks raised by this report.

10. Other Implications

	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓
Other (please specify)		✓

11. Appendices

- 11.1 Appendix A - Revised Statement of Licensing Policy 2020-2022.
Appendix B - Revised Sex Establishment Policy 2020-2025.

12. Background Papers

- 12.1 Local Government Association publication titled '*Approaches to managing licensing and related issues during the COVID-19 pandemic – Advice for Licensing Authorities - 17th April 2020.*'

Home Office publication titled '*Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018.*'

Home Office publication titled '*Sexual Entertainment Venues Home Office Guidance for England and Wales - March 2010.*'