

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	CONSULTATION DRAFT - STATEMENT OF LICENSING POLICY 2016 TO 2021 – LICENSING ACT 2003		
DATE OF DECISION:	16 JULY 2015		
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<p>In accordance with Section 5 Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy by January every five years. The Council's current Statement of Licensing Policy was adopted in November 2010 and requires fresh adoption prior to 7th January 2016. This report seeks approval of the statement to be submitted for consultation prior to consideration of adoption of the Statement of Licensing Policy.</p>	
RECOMMENDATIONS:	
	<p>(i) That the committee considers the proposed Statement of Licensing Policy and the associated reports and approve it for the purpose of consultation.</p>
	<p>(ii) That the committee agree to review the amended draft Statement of Licensing Policy at the end of the consultation period with the intention to recommend the adoption of it by the Full Council on 18th November 2015.</p>
REASONS FOR REPORT RECOMMENDATIONS	
1.	<p>The core of the current Statement of Licensing Policy has been in place since 2005 and has remained broadly unchanged during this period.</p> <p>The only significant addition was that of a Cumulative Impact Policy (CIP) as an addendum to the main policy in May 2009. The Policy is an outline of the approach that the Council must adopt in consideration of any application or review. In the view of officers and the Responsible Authorities, the Policy has worked well. Accordingly, there is no cogent reason why significant changes should be made to the Policy at this point in time. However the legislation has been updated and this new policy takes these changes into consideration. One of the most notable changes being the introduction of the Late night Levy.</p>

2.	It is necessary to consult widely on this matter to ensure the Policy is appropriate and fit for purpose prior to adoption.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	No alternative options have been considered as the Council has, by law, to adopt a Statement of Licensing Policy every five years.
DETAIL (Including consultation carried out)	
4.	As previously indicated, the Statement of Licensing Policy has been in place since January 2005. The Authority had regard to the Licensing Policy during this period of time and it is officers and Responsible Authorities' views that the Policy is robust, reasonable and appropriate for the City at the current time. Should the situation change, the Authority has the ability to revisit the Policy and bring it to Full Council for reconsideration, as it did when considering the city centre CIP areas in May 2009.
5.	The emergence of the Cultural Quarter resulted in a revised policy with regards to Cumulative Impact in 2009. This provided exceptions to the CIP for certain premises meaning that ordinarily they would be treated as appropriate.
6.	To assist in drafting this document enquiries were made of the Environmental Health Team, Public Health, Planning and Hampshire Police. They will all be included in the consultation.
7.	Since the last Statement of Policy was adopted there have been numerous changes to the Licensing Act 2003, especially concerning the definition of regulated entertainment. The document takes account of these changes but it does not fundamentally change the document.
8.	The Police Reform and Social Responsibility Act 2011 gave councils the opportunity to adopt the Late Night Levy and this Authority did that in September 2014. The new document includes this significant change.
9.	The document leaves the number of CIP areas at 3 and the areas are identical with the exception of the Bevois Valley area where it has extended its boundary south along St Marys Road to opposite the Fire Station.
10.	By way of background, it is the duty of the Council as licensing authority to carry out their functions under the Act with a view to promoting four licensing objectives which are: <ul style="list-style-type: none"> • Prevention of crime and disorder; • Public safety; • Prevention of public nuisance; and • Protection of children from harm.
11.	In addition, in determining this Policy, the licensing authority must have regard to the Guidance provided by the Home Office.
12.	Whilst the Policy must set out a general approach to the making of licensing decisions, it cannot be ignorant or inconsistent with the provisions of the Act. For example, the Policy must not undermine or exclude the right of an individual to apply under the terms of the Act for a variety of permissions and to any have such application considered on its individual merit.

13.	<p>The Policy should also make it clear that licensing is about regulating the carrying on of licensable activities on licensed premises by qualifying clubs and temporary events, and that conditions attached to various authorisations can only be focussed on matters which are within the control of individual licensees and others granted relevant authorisations. Accordingly, these matters will focus on the premises and places being used for licensable activities and the vicinity of those premises and places. Anti-social behaviour in the vicinity of licensed premises is a broad issue that can be, and is, referred to in the Policy. However, whether or not incidents can be regarded as “in the vicinity” of licensed premises or places is a question of fact and will depend on the particular circumstances of each case under consideration. However, the Council will encourage, as far as it is possible, that licence holders have regard to the impact of their business or activity on the neighbourhood and wider community. In cases of dispute, the question will ultimately be decided by the courts. The current Policy makes it clear that in addressing this matter the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working and engaging in normal activity in the area concerned. The Policy also makes it clear that the licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual club or business holding the licence certificate for the organisation concerned.</p>
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RESOURCE IMPLICATIONS

Capital/Revenue

14. None.

Property/Other

15. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

16. Section 5 of the Licensing Act 2003.

Other Legal Implications:

17. None.

POLICY FRAMEWORK IMPLICATIONS

18. It is a statutory obligation to produce a Statement of Licensing Policy by references specifically made in the Policy to the need integrate with other strategies such as the local tourist economy, Council Strategy for the City, Night-time Economy, Crime and Disorder Strategy, Anti-Social Behaviour Strategy and other relevant corporate policies.

KEY DECISION?	N/A
WARDS/COMMUNITIES AFFECTED:	All

SUPPORTING DOCUMENTATION

Appendices

1.	Redacted Hampshire Police Report to support the proposed Statement of Licensing Policy
2.	Annexe 1 to Hants Police Report - Late Night Levy Consultation Report
3.	Annexe 2 to Hants Police Report – NTE Zone Maps
4.	Annexe 3 to Hants Police Report – Crime Data
5.	Annexe 4 to Hants Police Report – Screen shot of violent crime data
6.	Annexe 5 to Hants Police Report – NTE Southampton District 2014 /15
7.	Annexe 6 to Hants Police Report – NTE Southampton District 2013/14
8.	Annexe 7 to Hants Police Report – All violence Graphs
9.	Annexe 8 to Hants Police Report – Screen shot of all Hants Police area violence
10.	Proposed revised Statement of Licensing Policy
11.	Annexe A of revised Statement of LP – Map of Bevois Valley CIP
12.	Annexe C of revised Statement of Licensing Policy – Map of Cultural Quarter

Documents In Members’ Rooms

1.	Present copy of the Statement of Licensing Policy http://www.southampton.gov.uk/policies/Licensing%20Policy%20Statement%202011-2014.pdf
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out..	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None