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| DECISION-MAKER: | LICENSING COMMITTEE | | |
| | COUNCIL | | |
| SUBJECT: | REVIEW OF THE STATEMENT OF LICENSING POLICY - 2016 TO 2021 | | |
| DATE OF DECISION: | 11 NOVEMBER 2015 18 NOVEMBER 2015 | | |
| REPORT OF: | Head of Legal and Democratic Services | | |
| <u>CONTACT DETAILS</u> | | | |
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| STATEMENT OF CONFIDENTIALITY | |
| N/A | |
| 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 (on a five year cycle). The Council's current Statement of Licensing Policy was adopted in November 2010 and requires fresh adoption prior to 7th January 2016. The Licensing Committee is one of the consultees.</p> | |
| RECOMMENDATIONS: | |
| (i) | <p><u>Licensing Committee</u> That the Committee considers the draft Statement of Licensing Policy that went out to consultation as at Appendix 1, the revisions made to it as at Appendix 2 (as well as other appendices to the report) and recommend its adoption to Full Council.</p> |
| (ii) | <p><u>Full Council</u> That Council adopts the revised Statement of Licensing Policy as attached at Appendix 2 and subject to any amendment that may be made by the Licensing Committee (if appropriate).</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. 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.</p> |

| ALTERNATIVE OPTIONS CONSIDERED AND REJECTED | |
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| 2. | 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) | |
| 3. | 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. |
| 4. | The Policy document has been re-drafted this year in an attempt to make it easier for individuals to read, to take account of recent changes in legislation and guidance. The content, however, remains relatively unchanged. |
| 5. | This document was presented to the Licensing Committee on 16 th July 2015 prior to wide public consultation. The consultation ended on 16 th October 2015. |
| 6. | The changes that are within the consultation document are: (a) To move the boundary of the Bevois Valley CIP further south to the junction with Brintons Road (b) How Temporary Event Notices (TENs) will be considered. (c) The introduction of Late Night Levy, Early Morning Restriction Orders and changes to the definition of regulated entertainment. (d) The removal of the vicinity test for objections. |
| 7. | 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 • Protection of children from harm |
| 8. | In addition, in determining this Policy, the Licensing Authority must have regard to the Guidance provided by the Home Office. |
| 9. | Whilst the Policy must set out a general approach to the making of licensing decisions, it cannot be ignorant of 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. |
| 10. | 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 at 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 |

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| | 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. 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. |
| 11. | The Council has undertaken a wide consultation exercise in accordance with Government Guidance. The Council has specifically consulted with the statutory consultees comprising the Chief Officer of Police for the city, the Fire Authority, persons or bodies representative of local holders of premises licences, personal licences and business and residents in its area. In addition, the consultation exercise has been advertised on the Council's website. |
| 12. | Attached at Appendix 3 are the consultation responses. |
| 13. | Officers have considered all of the responses. A summary of the responses and officers' considerations are attached as Appendix 4. |
| 14. | As a direct result of the consultation responses, officers have amended the draft Statement of Licensing Policy where appropriate. Attached as Appendix 2 is a copy of the latest draft showing the changes to the document highlighted in bold. |

RESOURCE IMPLICATIONS

Capital/Revenue

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| 15. | <u>Capital</u> None. |
| 16. | <u>Revenue</u> There are no resource implications in the adoption of this policy. |

Property/Other

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| 17. | None. |
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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| 18. | Licensing Act 2003 |
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Other Legal Implications:

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| 19. | S.17 Crime and Disorder Act 1998. |
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POLICY FRAMEWORK IMPLICATIONS

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| 20. | It is a statutory obligation to produce a Statement of Licensing Policy. The policy should integrate other Council strategies and other relevant corporate policies that might from time to time be in force. |
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| KEY DECISION? | No |
| WARDS/COMMUNITIES AFFECTED: | |

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| <u>SUPPORTING DOCUMENTATION</u> | |
| Appendices | |
| 1. | Draft Statement of Licensing Policy taken to consultation |
| 2. | Draft Statement of Licensing Policy amended as a result of the consultation |
| 3. | List of Consultees' responses |
| 4. | Summary of responses and officers' comments |
| 5. | Supporting documents and CIP maps |
| Documents In Members' Rooms | |
| 1. | None |
| Equality Impact Assessment | |
| Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out. | No |
| 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 |