

REPORT TO: LICENSING COMMITTEE

Date of Hearing: 17:30 16 July 2019 (Part 1) Matter

Report of: Environmental Health and Licensing Manager

Type of Application: Report outlining a proposal to consult on an amended Statement of Licensing Policy

Legislation:
- **Licensing Act 2003**

Ward Application Refers to: ALL

Applicant: Not applicable.

Premises Address: Not Applicable

1. What is the report about? Identifying the need to carry out a consultation relating to the introduction of an amended Statement of Licensing Policy under the above legislation.

1. PURPOSE OF THE REPORT

1.1 The Licensing Act 2003 introduced significant changes to the Licensing Law in England and Wales. This report refers to one of the main provisions of the Act, the Licensing Act Policy Statement [the Policy] & the requirements enshrined in the legislation with regard to the need to review it.

1.2 The purpose of this report is to inform Members of the draft policy that is proposed to be used as a consultation document to fulfil our obligation to consult on the review and subsequent amendment of the Statement of Licensing Policy.

1.3 The DRAFT form of words is attached as appendix 1.

2. BACKGROUND

2.1 Local Authorities are required to develop and adopt a Policy in consultation with a number of prescribed bodies every three years. There is an additional requirement on the Licensing Authority to consult those bodies again if new proposals are intended to be included.

2.2 In line with good practise it is proposed to conduct a widespread consultation with a number of prescribed bodies and interested parties.

2.3 The responses to the consultation will need to be brought back to a subsequent Licensing Committee for them to consider any amendments or variations that may have been suggested during the consultation.

2.4 Devon and Cornwall Constabulary have submitted a request to maintain in the Policy provision for a cumulative impact area in the City. The precise area to be included in the cumulative impact area is identified in the map at appendix 2.

- 2.5 The legislation requires that before a cumulative impact area can be put in place the police have to provide evidence that the introduction of such areas is necessary. This evidence has been reviewed and updated by the Police and is attached as appendix 3.
- 2.6 The Official Guidance issued to Licensing Authorities under this Act identify the steps necessary to establish cumulative impact Areas these are;
- To identify concern about crime and disorder or Public nuisance;
 - To consider whether there is good evidence that crime and disorder or nuisance are happening **and** are caused by the customers of licensed premises or that the risk of cumulative impact is imminent;
 - Identify the boundaries of the area where problems are occurring;
 - Consult with the prescribed bodies and others who may be affected;
 - Include and publish the updated policy.
- 2.7 The Licensing Committee have to be satisfied that the information provided is sufficient to establish the cumulative impact in the defined area identified.
- 2.8 If the Licensing Committee is satisfied that there is sufficient evidence to support the request of the police then the draft Statement of Licensing Policy and the Cumulative Impact Area report will need to go to a formal consultation. Best practice in regard to consultations indicates a 12 week period. This would mean the consultation concluding on the 9th October 2019.

3. OPTIONS

- 3.1 The Committee are invited to indicate whether they feel there is sufficient evidence to consult on the continuation of the Cumulative Impact Area;
- 3.2 If it is determined that there is insufficient evidence, invite the Devon and Cornwall Constabulary to produce further specific evidence in relation to the Cumulative Impact Area;
- 3.3 If it is determined that there is sufficient evidence invite the Environmental Health & Licensing Manager to initiate the consultation with the appropriate persons and submit the relevant responses to the Licensing Committee to be held on the

4. TIMETABLE

- Notification to interested parties 17th July 2019.
- 9th October 2019 consultation period ends.
- 29th October 2019, Statement of Licensing Policy (amended as necessary) to Licensing Committee with recommendation for approval to Full Council.
- 12th November 2019 Statement of Licensing Policy to Executive Committee
- 17th December 2019 Statement of Licensing Policy to Full Council for approval.

5. CONCLUSION

- 5.1 It is proposed that the revised Policy draft document at appendix 1 will be used as a basis for consultation with Members of the Council, businesses and resident's representatives and others with an interest in the policy. It is further proposed that the draft policy be brought back to the Licensing Committee on 29th October 2019 to consider any representations that have been received and to enable a recommendation for the adoption of the final (reviewed) Policy to be made to Full Council in December 2019.

6. RECOMMENDED

- 1) That Members of the Committee give consideration to the draft document to be consulted upon as attached and either:
 - a) Accept the request of the Environmental Health and Licensing Manager and authorise the consultation process as outlined above; or
 - b) Reject the request submitted by the Environmental Health and Licensing Manager on the grounds that the draft policy requires amendment prior to the consultation period beginning.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

- APPENDIX 1: Draft Statement of Licensing Policy
- APPENDIX 2: Map of current Cumulative Impact Area
- APPENDIX 3: Cumulative Impact Area information
- APPENDIX 4: Devon Model Licence Conditions