

COUNCIL –26TH APRIL 2021

Report of the Licensing Committee

Part A

ITEM 6.1 REVIEW OF THE STATEMENT OF LICENSING POLICY

Purpose of Report

To consider a revised Statement of Licensing Policy, in respect of the Cumulative Impact Zone, made under the Licensing Act 2003, following consideration by the Licensing Committee and public consultation.

Recommendation

That the Statement of Licensing Policy made under the Licensing Act 2003, set out in Annex A to this report, be approved and adopted.

Reason

To ensure that the Council has an up to date Statement of Licensing Policy to adhere to which sets out the Council's policy in respect of liquor licensing, including the Special Policy Cumulative Impact Zone (CIZ) (required to be reviewed on a three yearly basis), that meets the licensing objectives and complies with the requirements of the Licensing Act 2003.

Policy Justification and Previous Decisions

A role of the Licensing Committee is to make recommendations in respect of the Council's Statement of Licensing Policy made under the Licensing Act 2003 prior to submission to Full Council for approval.

At its meeting on 16th February 2021, the Licensing Committee considered a report of the Head of Regulatory Services, seeking approval for a draft Statement of Licensing Policy that would be the subject of consultation prior to submission to Full Council.

The following extract from the minutes of that meeting details the consideration and decisions of the Committee:

4. REVIEW OF THE SPECIAL POLICY ON CUMULATIVE IMPACT

Considered a report of the Head of Regulatory Services to seek approval for the reviewed Special Policy Cumulative Impact Zone as included within the Statement of Licensing Policy 2017 made under the Licensing Act 2003, (item 5 on the agenda filed with these minutes).

Assisting with consideration of the report: the Head of Regulatory Services, the Licensing Manager and Leicestershire Police.

The Licensing Manager drew the Committee's attention to the following:

as the legislation was changed in April 2018, part of its requirement was to review the policy every three years. The Committee was asked to review the Special Policy Cumulative Impact Zone prior to its being circulated to responsible authorities, representatives of the trade, businesses and residents for their comments and it would then be formally submitted to Full Council in April 2021. The attached Statement of Licensing Policy was last approved in June 2017.

The existing Special Policy Cumulative Impact Zone contained within the Statement of Licensing Policy 2017 remained the same in terms of the area it covered, but the 182 guidance was amended in April 2018, to remove the 'rebuttal presumption' against grant of a premise in a Cumulative Impact Zone.

Paragraph 4.3 of the existing Policy has been amended to reflect this change and could be seen in the appendix through tracked changes.

The policy should be reviewed regularly to assess if it's still needed and if any revisions were required. Prior to its review the Police and other responsible authorities had been contacted to seek evidence to justify the retention of the Special Policy on the cumulative impact on the area covered.

RESOLVED

- 1. That the proposed review of the Special Policy Cumulative Impact Zone (CIZ), included within the Statement of Licensing Policy 2017 attached at Appendix 1, made under the Licensing Act 2003, be approved for consultation.*
- 2. That the continuation of the Special Policy on Cumulative Impact contained within the existing Statement of Licensing Policy be approved.*
- 3. That, subject to recommendations 1 and 2 and following the consultation, the Head of Regulatory Services is given delegated authority to make minor amendments and alterations to the Cumulative Impact Zone within the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.*

The Statement of Licensing Policy submitted to the Council for approval is attached at Annex A.

Implementation Timetable including Future Decisions

Once agreed by Council, the new Statement of Licensing Policy will come into immediate effect.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

No specific risks have been identified in relation to this decision.

Background Papers:

Licensing Committee Report Pack 16th February
<https://charnwood.moderngov.co.uk/documents/g607/Public%20reports%20pack%2016th-Feb-2021%2017.00%20Licensing%20Committee.pdf?T=10>

Government Guidance issued under Section 182 of the Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

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Part B

Background

1. The current Statement of Licensing Policy was last reviewed in 2017. The concept of “Cumulative impact” has been described within the Home Office Guidance issued under S.182 Licensing Act 2003 and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. With effect from 6 April 2018, ‘cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
2. The Statement of Licensing Policy was last reviewed, and amendments adopted, by Full Council on 26th June 2017 (minute reference 20.1, 2017/18). A new Statement must, therefore, be consulted upon and approved by Full Council.

Changes to the Statement of Licensing Policy Following Consideration by the Licensing Committee

3. A report was submitted to the Licensing Committee on 16th February 2021 setting out a draft revised Statement of Licensing Policy prior to public consultation, which included a review of the Special Policy Cumulative Impact Zone (CIZ). At its meeting the Licensing Committee approved the draft revised Statement of Licensing Policy for consultation.
4. The consultation period for the Statement of Licensing Policy commenced on 5th March 2021 and closed on 26th March 2021. During the consultation process, the following bodies were consulted:
 - the ‘Responsible Authorities’ (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Environmental Protection, Trading Standards, Public Health, and the Home Secretary)
 - Business and residents .e.g. relevant residents groups
 - Councillor’s
 - British Beer and Pub Association
 - Pub Watch
 - Solicitors
 - Premises Licence Holders
 - Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area)
 - Premises Licence Holders of Late Night Refreshment premises in the CIZ area.
 - Club Premises Certificate holders.

The consultation was also featured on the Council’s website.

6. No comments were received within the consultation period,

Annex A – Revised Statement of Licensing Policy

Annex B – Consultation Letter