

<b>Subject:</b>	<b>Statement of Licensing Policy Consultation response</b>		
<b>Date of Meeting:</b>	<b>24 March 2016</b> 3 March 2016 – Licensing Committee (Licensing Act 2003 Functions)		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jim Whitelegg</b>	<b>Tel: 29-2438</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Licensing Policy (Section 5(3) of the 2003 Act).

### 2. RECOMMENDATIONS:

- 2.1 That Committee agree the revisions to the Statement of Licensing Policy.
- 2.2 That the revised Statement of Licensing Policy is referred to Full Council for adoption.

### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At Licensing Committee on 25 June 2015, committee received a report and authorised officers to initiate consultation regarding a review of the Statement of Licensing Policy.
- 3.2 National Guidance states at 13.4 that before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- The chief officer of police for the area
  - The fire and rescue authority for the area
  - The local authority's Director of Public Health in England
  - Persons/bodies representative of local premises licence holders
  - Persons/bodies representative of local club premises certificate holders
  - Persons/bodies representative of local personal licence holders; and
  - Persons/bodies representative of businesses and residents in its area.
- 3.3 Consultation was undertaken with these statutory consultees and more generally via the consultation portal and if committee are minded to agree the

recommendations, the revised statement of licensing policy must be referred to Full Council.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 None - Section 5 of the 2003 Act requires the Statement of licensing policy to be kept under review.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The consultation commenced on 30 September 2015 with a closing date of 5 January 2016.
- 5.2 Consultation involved the Licensing Strategy Group which includes businesses via City Centre and Hove Business Forum, Police, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance, residents via residents associations and Community Associations and using the council's consultation portal. Consultation was also available on the council's website via the licensing pages.
- 5.3 Responses to the consultation via the council's consultation portal can be found at appendix 1. A total of 18 responses were received via the portal.
- 5.4 Responses to the consultation received by letter or email can be found at appendix 2. 9 responses were received by letter or email.
- 5.5 Questions asked via the consultation can be found at appendix 3.
- 5.6 Officers have reviewed the comments received following consultation and any changes to the policy have been 'tracked' – see appendix 4.
- 5.7 If members were minded to agree the statement of licensing policy, Full Council alone can exercise the function of revising the authority's policy.
- 5.8 The review of the policy includes overall structure and layout, removal of out of date and no longer relevant information to reflect changes in legislation, includes an Executive Summary, new section 2 "Public Health and Alcohol", Public Health section, incorporating latest Public Health thinking and perspective, include Alcohol Programme Board, proposed new section titled 'Special Policies and Initiatives' (section 3) to include BHCC policies CIZ, SSA, Matrix, TENs, Off licences/sensible on strength scheme, student and organised beer crawls, night-time economy safeguarding initiatives and updated Police section 4.2.
- 5.9 The matrix was reviewed (section 3.3) and the following amendments made:
- Add Café/bars category to table
  - Removal of residential/mixed areas from table
  - Include Other Areas category with rationale in note 7 of matrix notes (referring to Public Health framework document for alcohol decisions)
  - Restaurant in SSA – change from 2am to Midnight
  - Pub - change times from 11pm to No in CIZ category
  - Remove HVVD (super pub) category

- Members Clubs – add 11pm for CIA and SSA
- Include definition of restaurant condition in notes (paragraph 3.4)

## 6. CONCLUSION

- 6.1 Section 5 of the 2003 Act requires the Statement of licensing policy to be kept under review.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government. The recommendations in this report would only affect new applications and variations to existing premises licenses, and would not impact on current levels of income from renewals of applications.

*Finance Officer Consulted: Michael Bentley*

*Date: 20/01/16*

### Legal Implications:

- 7.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Appropriate weight should be given to the views of those consulted in accordance with the Licensing Act 2003.

7.3

*Lawyer Consulted: Rebecca Sidell*

*Date: 25/01/16*

### Equalities Implications:

- 7.4 A rebuttal presumption against new licensed premises in a CIA may reduce the ability for small businesses to open as off-licences. Affected businesses may often be operated by members of minority ethnic groups.

### Sustainability Implications:

- 7.5 Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

### Any Other Significant Implications:

- 7.6 The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Consultation responses received via the council's consultation portal.
2. Consultation responses received via letter and email.
3. Questions asked in consultation.
4. Proposed Statement of Licensing Policy with tracked changes.

### **Documents in Members' Rooms**

1. None.

### **Background Documents**

1. Statement of Licensing Policy.