

STATEMENT OF LICENSING POLICY – DIRECTION OF TRAVEL

LICENSING COMMITTEE

31 JANUARY 2017

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

KIM WRIGHT

1. INTRODUCTION

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the ongoing work to review the Statement of Licensing Policy (“the Policy”), and the “direction of travel” as a result of the evidence collection undertaken so far.

2. RECOMMENDATION(S)

2.1 The Licensing Committee is asked:

- (i) To note the contents of the Appendix**
- (ii) To note the updated timetable for the review in Paragraph 4.**

3. BACKGROUND

- 3.1 The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it at least once every five years. This Statement must establish the principles to be applied when determining applications under the Act, such as applications for the sale/supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 3.2 The Act specifies that in drafting and implementing the Policy, it must promote the four licensing objectives, which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3 Home Office Guidance issued under section 182 of the Licensing Act 2003 (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act. This was last revised by the Home Office in March 2015.
- 3.4 The Council first published its Statement of Licensing Policy (‘Policy’) in January 2005, which sets out the decision-making principles when licensing premises for alcohol, regulated entertainment and late night refreshment. Full reviews of the Policy took place in 2007 and 2010. A further review took place in 2013 to include a Special Policy Area (SPA) in Dalston that was introduced in January 2014.
- 3.5 On 10 November 2015 the Council’s Licensing Committee recommended the current Policy for approval by the Council. This was subsequently approved on 25 November 2015.

4. CURRENT POSITION

- 4.1 The review seeks to revise the Policy as well as establish the principles to be applied for up to five years. The current Policy was approved as an interim measure prior to substantive engagement being undertaken ahead of a new draft being published for consultation.
- 4.2 Evidence gathering is ongoing to inform the review process. Quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste data as well as information held by the Licensing Service is currently being collated.
- 4.3 In addition, a 'behavioural audit' is being carried out. The aim of this is to assess activities in and around the key areas of the borough, where higher concentrations of licensed premises are located. This will be useful to highlight any area specific impacts as a result of licensed premises in the Borough.
- 4.4 Also being undertaken is a Cost/Benefit analysis of the Evening and Night-time Economy. Both pieces of work will add to and complement the quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste as well as data held by the Licensing Service currently being collated.
- 4.5 The Licensing Policy Steering Group, set up to inform the development of the licensing policy, will continue throughout the review process.
- 4.6 An outline of the current timetable is below:

Task	Date(s)
First Stakeholder Event	24 February 2016
"Soft" Consultation	April to July 2016
Licensing Committee considers 'Direction of Travel'	January 2017
Update to the Living in Hackney Scrutiny Commission	February 2017
Redrafting, evidence gathering and data analysis	Ongoing to February 2017
Further Stakeholder Events (<i>Includes Pubwatch, Shoreditch Town Centre Breakfast Forum, Ward Forum and Hackney Wick Cultural Interest Group</i>)	Ongoing to March 2017

Task	Date(s)
Licensing Committee considers draft for formal consultation	April 2017
Formal consultation	May to July 2017
Analysis of feedback	August 2017
Licensing Committee recommends draft for approval	September 2017
Approval of the Policy by the Council	October/November 2017

5. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 5.1 This report requests the Licensing Committee to note the ongoing work and future timetable to review the Statement of Licensing Policy.
- 5.2 The main cost of the review which includes redrafting the policy, evidence gathering and data analysis will be met from revenue budgets within the Licensing Service.
- 5.2 Additionally a licensing behavioural audit is being carried out to assess activities in and around the key areas of the borough (see 4.3). The cost of the audit will be funded from an allocated reserve.

6. COMMENTS OF THE ASSISTANT DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 The Licensing Act 2003 ('the Act') confers various powers to the Council when discharging the licensing functions for the sale and supply of alcohol, regulated entertainment and late night refreshment.
- 6.2 Part of the functions requires the Council to produce and review a Statement of Licensing Policy ('the Policy'). Section 5 of the Act now allows the Policy to be reviewed every 5 years, following the changes brought in by the Police Reform and Social Responsibility Act 2011 (PRSRA 2011).
- 6.3 The existing Policy came into force on 7 January 2016 and expires on 6 January 2021. The existing Policy has been adopted on the basis that a further substantive consultation and review of the Policy is to be carried out during the lifetime of the existing Policy. Section 5(4) of the Act permits the Policy to be amended within any 5 year period.

- 6.4 The Act does not set out any review processes to be adopted. It will be a matter for the Council to decide the process of review, unless further regulations are produced pursuant to Section 5(7) of the Act.
- 6.5 Even though the Council can decide its own process for the review it must still consult those groups listed within the Act before a revised version can be determined.
- 6.6 The drafting of any revised policy must be done in line with the Act and the Section 182 Government Guidance ('the Guidance').
- 6.7 When completely reviewing the Policy the Council should re-assess the Special Policy Areas ("SPAs") in place and the need for any others. The Guidance allows for the adoption of an SPA where the evidence justifies that the licensing objectives around crime and disorder and public nuisance is, or will be, undermined due to the concentration of licensed premises in an area.
- 6.8 There is no maximum or minimum level of evidence needed to introduce an SPA.
- 6.9 Notwithstanding paragraph 6.8 above, the Guidance refers to good evidence which should provide a reasonable and rational decision for the adoption of any SPA within the borough.
- 6.10 Once the full review process is completed the Policy must be approved by Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

APPENDICES

Appendix 1 – 'Direction of Travel' Paper.

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

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**Comments of the Corporate
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