

DRAFT STATEMENT OF LICENSING POLICY

LICENSING COMMITTEE

31 OCTOBER 2017

CLASSIFICATION

Open

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

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

KIM WRIGHT

1. INTRODUCTION

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and the proposed draft Statement of Licensing Policy (“the Policy”) prior to it being published for public consultation.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee:
- (i) notes the draft Policy at Appendix 1 and agrees to it being published for consultation
 - (ii) authorises the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the Draft Policy as appropriate.

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 the Policy 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 Act (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act.
- 3.4 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, 2010, 2013 and 2016. The in 2013 introduced the Special Policy Area (SPA) in Dalston.
- 3.5 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 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
 - 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.

Cumulative Impact

- 3.6 Committee members will be aware that two 'Cumulative Impact' areas apply in the Borough. These are referred to as the "Special Policy Areas" or "SPAs" in Dalston and Shoreditch.
- 3.7 The Guidance defines cumulative impact as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The Guidance goes on to state that "cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement."
- 3.8 The Guidance states that there should be an evidential basis for the decision to include a special policy. Information which the Council may be able to collate includes:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Statistics on local anti-social behaviour offences;
 - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - Environmental health complaints, particularly in relation to litter and noise;
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - Residents' questionnaires;
 - Evidence from local councillors; and
 - Evidence obtained through local consultation.
 - Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - Changes in terminal hours of premises;
 - Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 3.9 The Cumulative Impact assessment can be found at Appendix 2.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 4.1 This report recommends that the Licensing Committee notes the draft Policy at Appendix 1 and the Cumulative Impact Assessment at Appendix 2.
- 4.2 Income from licensing fee payments contributes to the running costs of the service.
- 4.3 On 26 July 2017, the Council decided that the Late Night Levy would be introduced from 1 November 2017, for premises selling or supplying alcohol between the hours after midnight to 6am. The financial considerations were reported to the Council on 26th July 2017.
- 4.4 Any variations in costs and income in the Council, arising from the Licensing Policy will be managed within the available revenue budgets.

5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL

- 5.1 The Licensing Act 2003 ('the 2003 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.
- 5.2 Part of the functions requires the Council to publish a Statement of Licensing Policy. Section 5 of the 2003 Act requires the Policy to be reviewed every 5 years.
- 5.3 The 2003 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 2003 Act.
- 5.4 Even though the Council can decide its own process for the review it must still consult those groups listed within the 2003 Act before a revised version can be determined.
- 5.5 The drafting of any revised policy must be done in line with the 2003 Act and the Section 182 Government Guidance ('Statutory Guidance').
- 5.6 The proposed draft statement of licensing policy ('draft policy') at appendix 1 contains a cumulative impact policy for two separate areas in the borough. These are referred to within the draft policy as a Special Policy Area ('SPA'). The ability to have an SPA currently arises from the Statutory Guidance and should only be introduced if there is considered to be a good evidential basis. Should this be the case the Council can introduce an SPA if they are satisfied that it is appropriate to do so having regard to the crime and disorder or nuisance that is occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- 5.7 The Policing and Crime Act 2017 ('the 2017 Act'), will by regulations place Cumulative Impact Policies on a statutory footing. The 2017 Act has introduced Section 5A within the 2003 Act that, when in force, will require the Council to review any 'cumulative impact assessment' every three years from its introduction or revision. Section 5A is silent on the level of any evidence that is required but states that the Council must consult with those persons outlined in paragraph 5.4 above with the reasons for it to be introduced, kept in place or be removed.
- 5.8 Once the review process is completed following the statutory consultation the proposed draft Policy must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

APPENDICES

Appendix 1 – Draft Statement of Licensing Policy for Consultation

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

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