

Title of Report	Draft Statement of Licensing Policy for Consultation
For Consideration By	Licensing Committee
Meeting Date	8 March 2023
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the work to review the Statement of Licensing Policy (“the Policy”) ahead of a public consultation on the document.

2. Recommendation(s)

- 2.1 That the Licensing Committee:
- (i) Approves the Draft statement of Licensing Policy being published for consultation.
 - (ii) Authorises the Group Director of Climate Homes and Economy to make any non-substantive changes to the Draft Policy as appropriate.

3. Background

Statement of Licensing Policy

- 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. These 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. Licensing Authorities must have regard to the Act and the Guidance when preparing its Policy.
- 3.4 The Council first published its Statement of Licensing Policy (‘Policy’) in January 2005. This 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. Further reviews took place in 2015 and 2017. The current iteration of the Policy became effective in August 2018.
- 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.

4. Proposed Timetable

- 4.1 The table below provides an outline of the timetable to implement the revised Policy.
- 8 March 2023 - Draft Policy for consultation presented to the Licensing Committee.
 - March to May 2023 - Consultation on the draft Licensing Policy.
 - June/July 2023 - Licensing Committee recommends draft Licensing Policy for approval by Full Council.
 - June/July 2023 - Licensing Committee considers Cumulative Impact Assessment for consultation.
 - July 2023 - Full Council approves the Licensing Policy.
 - 31 July 2023 - Licensing Policy comes into effect.
 - September 2023 - Licensing Committee considers Cumulative Impact Assessment to be published following public consultation.
 - October 2023 - Full Council considers Cumulative Impact Assessment to be published.

5. Comments of the Group Director of Finance and Corporate Resources

- 5.1 This report informs Members of the proposed review of the Licensing Policy and Cumulative Impact Assessment. There are no immediate financial implications. The activities leading up to the adoption of the Policy may have a financial impact, which will need to be met from within existing budgets.

6. Comments of the Director of Legal, Democratic and Electoral Services

Licensing Policy

- 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 1 August 2018 and expires on 31 July 2023. The Council must have a revised Policy in place by 1 August 2023.
- 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 The drafting of any revised policy must be done in line with the Act and the Section 182 Government Guidance ('the Guidance').
- 6.6 Since the current policy took effect there have been a number of legislative changes affecting the Act. This must be reflected in any revised Policy where appropriate. Examples of the legislative changes that require the Policy to be updated include:
- Policing and Crime Act 2009.
 - Police Reform and Social Responsibility Act 2011.
 - Live Music Act 2012.
 - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order
 - Licensing Act 2003 (Mandatory Conditions) Order 2014.
 - Immigration Act 2016.
 - Business and Planning Act 2020.
- 6.7 The revised Policy must also 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 The Council's consultation of the policy will be carried out in accordance with the Licensing Act 2003, the Statutory Guidance, and the guidance produced by the Government's Cabinet Office Consultation Principles.
- 6.11 Following the consultation the Council will consider the consultation responses, or a summary of them before taking its decision.
- 6.12 The draft Licencing Policy must be approved by Full Council pursuant to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in order to take effect.
- 6.13 Within the terms of reference for the Licensing Committee, it is the responsibility of the Licensing Committee to maintain an overview of the Council's statement of licensing policies and recommendations to Full Council as appropriate during review. The Licensing Committee are able to approve the recommendation set out in this report.

Appendices

Appendix 1 - Draft Statement of Licensing Policy for Consultation

Exempt

Not applicable.

Background Papers

None

Report Author	David Tuitt Business Regulation Team Leader - Licensing & Technical Support david.tuitt@hackney.gov.uk Tel: 020 8356 8974
Comments for the Group Director of Finance and Corporate Resources prepared by	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Amanda Nauth, Corporate and Licensing Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345 Josephine Sterakides, Senior Lawyer, Healthy & Safer Communities josephine.sterakides@hackney.gov.uk 020 8356 2775