

To: Licensing and Gambling Acts Committee
Date: 4th February 2021
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Statement of Licensing Policy

| Summary and recommendations | |
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| Purpose of report: | To agree and recommend to Council the updated Statement of Licensing Policy |
| Corporate Priority | Vibrant Sustainable Economy |
| Policy Framework | Statement of Licensing Policy |
| Recommendation(s): That the Licensing and Gambling Acts Committee resolves to: | |
| 1. Consider the updated Statement of Licensing Policy and the responses received to the public consultation | |
| 2. Agree and recommend the updated Statement of Licensing Policy to Council to adopt | |

| Appendices | |
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| Appendix One | Letter Minister of State for Crime and Policing |
| Appendix Two | Updated Statement of the Licensing Policy |
| Appendix Three | Public Consultation responses |

Introduction and background

- The Committee is reminded that all licensing authorities must adopt a Statement of the Licensing Policy. This statement must promote the four licensing objectives of the Licensing Act 2003, which are:
 - The Prevention of Crime and Disorder**
 - Public Safety**
 - The Prevention of Public Nuisance**
 - The Prevention of Children from Harm**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

2. The Council is obliged to determine and publish a "Statement of Licensing Policy", to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the Licensing Act 2003. In carrying out its functions the Council must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Secretary of State. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance was published and came into force in April 2018.
3. The Authority's Statement of Licensing Policy is due for review and publication in February 2021. Review of the Statement of the Licensing Policy including the Special Saturation Policy (cumulative impact assessment) has been disrupted by the Covid19 pandemic. The first national lockdown in March 2020 has seen the country 'closing down', affecting people's lives as well as the national economy. The Coronavirus regulations continue to disrupt and affect the usual operations of the hospitality industry throughout the year, with varied restrictions, curfews and Covid Secure guidance. The trade has seen businesses going into administration and closing down, not being able to survive the financial strain of the pandemic.
4. A number of Authorities have written a joint letter to the government, seeking guidance and support in regards to the revision and publication of their Statement of the Licensing Policy, taking into account the Covid19 pandemic which has severely affected the country and the night time economy.
5. A response letter from the Minister of State for Crime and Policing, Kit Malthouse sets out the guidance and approach which Authorities could exercise in regards to the revision of Statement of Licensing Policy and Cumulative Impact Assessment. The letter is attached in **Appendix One**.

Review of the Statement of Licensing Policy and Special Saturation Policy

6. Taking into account the ongoing pandemic and the significant disruption to the night time economy, the Authority seeks to take a pragmatic approach and re-adopt the current updated Statement of Licensing Policy. The Minister's letter appears to support the proposed approach in such exceptional circumstances. However, the Authority is committed to keep the Policy under review and to carry out a comprehensive and considered review during 2021, if possible, taking the pandemic and its effects into account.
7. The Policy has been updated with minor amendments were organisation names, processes or policies have been renamed or deleted. There are no significant changes in this version.
8. The Authority is also committed to gather new data and evidence, as well as the necessary input from the relevant authorities to consider a fresh cumulative impact assessment. The new assessment should be completed in order to be considered at the same time as the reviewed SLP.

9. The Committee is reminded that, in the interim period there will be no formal Special Saturation Policy, as no realistic assessment of cumulative impact has been possible. However, this in no way prejudices what assessment will be made once new evidence is available. Each licensing application submitted to the Council will continue to be decided on the merits of the case. Responsible Authorities (including the Police) as well as members of the public would still be able to put forward their objections should they have concerns, where a regard could still be had to the old SSP evidence.
10. The updated Statement of Licensing Policy, which was subject to the Public Consultation, is attached as **Appendix Two** (the main updates are highlighted in yellow for reader convenience).

Consultation on the Draft Revised Statement of Licensing Policy

11. The draft Statement of Licensing Policy was considered and approved for public consultation by the Committee Chair and Vice-chair on 8th January 2021.
12. The agreed draft Statement of Licensing Policy was subject to a two weeks public consultation in January 2021 via the Council's website and Social Media. This consultation was also sent directly to the "Responsible Authorities" (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety, Local Health Board, etc), current licence holders, and others including the Community Safety Teams, Building Control, the local Accident and Emergency Department, and the surrounding Local Authorities.
13. 4th February 2021: Licensing and Gambling Acts Committee to consider the consultation responses and approve the final Statement of Licensing Policy, in light of the consultation responses received. The Committee to recommend the policy to Council for adoption.
14. 17th February 2021: Full Council to adopt the final Statement of Licensing Policy recommended by the Licensing and Gambling Acts Committee

Responses to Public Consultation

15. In response to the public consultation the Authority received a total of eight (8) responses during the consultation period.
 - Six (6) from Licence Holders (under LA2003)
 - One (1) from a member of the public
 - One (1) from a Responsible Authority (Public Health)

Copy of the full comments can be found in **Appendix Three**

16. The Licensing Officers reviewed all the responses to the public consultation in Appendix Three and recommend that the relevant content shall be fully considered for their inclusion during the later revision in 2021.

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