

**To:** Licensing and Gambling Acts Committee  
**Date:** 3<sup>rd</sup> November 2021  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Review of the Statement of Licensing Policy and consideration of a Cumulative Impact Assessment

Summary and recommendations	
<b>Purpose of report:</b>	To agree the revised Statement of Licensing Policy and consider a Cumulative Impact Assessment for public consultation
<b>Corporate Priority</b>	Vibrant Sustainable Economy
<b>Policy Framework</b>	Statement of Licensing Policy
<b>Recommendation(s):</b> That the Licensing and Gambling Acts Committee resolves to:	
1. Consider the report and updated Statement of Licensing Policy and Cumulative Impact Assessment	
2. Agree the updated Statement of Licensing Policy and Cumulative Impact Assessment for consultation	

Appendices	
Appendix One	Updated Statement of the Licensing Policy
Appendix Two	List of amendments to the Policy
Appendix Three	Cumulative Impact Assessment

## Introduction and background

1. 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 was due for review and publication in February 2021. Review of the Statement of the Licensing Policy including the Special Saturation Policy (cumulative impact assessment) had 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 continued 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 wrote 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 set out the guidance and approach which Authorities could exercise in regards to the revision of Statement of Licensing Policy and Cumulative Impact Assessment.
6. Taking into account the ongoing pandemic and the significant disruption to the night time economy, the Authority sought to take a pragmatic approach and re-adopted the previous updated Statement of Licensing Policy. However, the Authority was committed in keeping the Policy under review.
7. The Committee is reminded that, in the interim period there was no formal Special Saturation Policy, as no realistic assessment of cumulative impact had been possible.

#### **Review of the Statement of Licensing Policy and Special Saturation Policy**

8. The Authority carried out a comprehensive and considered review of the Statement of Licensing Policy during 2021, as well as gathering new data and evidence and the necessary input from the relevant authorities, to consider a fresh Cumulative Impact Assessment (CIA), to ascertain if a new Special Saturation Policy was necessary.
9. Revised Guidance issued under section 182 of the Licensing Act 2003 specifies the steps to be followed in considering whether to publish a CIA. These steps are detailed below:
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.

- If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

10. The next step, with the Sub-committee approval, would be a consultation with those specified in section 5(3) of the 2003 Act

11. The updated Draft Statement of Licensing Policy, is attached as **Appendix One**.

12. To assist the Committee, a list of amendments to the Policy is attached at **Appendix Two**.

13. The draft Cumulative Impact Assessment is attached at **Appendix Three**.

### **Consultation on the Draft Revised Statement of Licensing Policy**

14. The draft revised Statement of Licensing Policy and Cumulative Impact Assessment requires approval from the Committee prior to commencing formal consultation.

15. The proposed consultation timetable is as follows:

- agreed draft Statement of Licensing Policy and Cumulative Impact Assessment to go for consultation in November 2021 to “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety, Local Health Board, etc.), representatives of current licence holders and registered clubs, and others including Community Safety Teams, Building Control, the local Accident and Emergency Department, and the general public via the Council’s website and any person listed in section 5(3) of the 2003 Act.
- agreed draft Statement of Licensing Policy to be posted on the Councils website and made available at public buildings
- 7<sup>th</sup> February 2022: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final Statement of Licensing Policy, and Special Saturation Policy (CIA) in light of the consultation responses received
- 16<sup>th</sup> February 2022: Licensing and Gambling Acts Committee’s recommendations to Full Council for adoption of the final Statement of Licensing Policy.

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