

To: Licensing and Gambling Acts Committee
Date: 17th March 2022
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Statement of Licensing Policy and Cumulative Impact Assessment

Summary and recommendations	
Purpose of report:	To agree and recommend the updated Statement of Licensing Policy and Cumulative Impact Assessment.
Corporate Priority	Enable an inclusive 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 Cumulative Impact Assessment and the responses received to the public consultations.	
2. Agree and recommend the updated Statement of Licensing Policy and Cumulative Impact Assessment to Council to adopt.	

Appendices	
Appendix One	Updated Statement of the Licensing Policy
Appendix Two	List of Amendments
Appendix Three	Cumulative Impact Assessment
Appendix Four	Public Consultation Responses.

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 Protection 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. 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 Statement of Licensing Policy in February 2021. However, the Authority was committed in keeping the Policy under review.
5. 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

6. 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.
7. 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).

- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
8. The updated Statement of Licensing Policy, which was subject to a public consultation, is attached as **Appendix One**.
 9. To assist the Committee, a list of amendments to the Policy is attached at **Appendix Two**.
 10. The Cumulative Impact Assessment, which was subject to a public consultation, is attached at **Appendix Three**.

Consultation on the Draft Revised Statement of Licensing Policy and Cumulative Impact Assessment

11. The draft Statement of Licensing Policy and Cumulative Impact Assessment (CIA) were considered and approved for public consultation by the Committee Chair and Vice-chair on 3rd November 2021.
12. The agreed draft Statement of Licensing Policy and CIA were subject to a six week public consultation from 15th November 2021 until 27th December 2021 via the Council's website and Social Media. This consultation was also sent directly to the "Responsible Authorities", current licence holders, and others specified in section 5(3) of the 2003 Act
13. 17th March 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
14. 21st March 2022: Licensing and Gambling Acts Committee's recommendations to Full Council for adoption of the final Statement of Licensing Policy and CIA

Responses to Public Consultation

15. In response to the public consultation the Authority received a total of twelve (12) responses during the consultation period.
 - Seven (7) from Licence Holders (under LA2003).
 - Three (3) from a member of the public.
 - One (1) from a Responsible Authority (Police).
 - One (1) Ward Councillor.
16. All the responses can be found in **Appendix Four**. **Please note that one response was received via email and was not captured by the online questionnaire.**
17. The Licensing Officers reviewed all the responses to the public consultation in Appendix **Four** and included the relevant content in the revised Statement of Licensing Policy attached at **Appendix One**. A list of amendments can be found at **Appendix Two**.

Cumulative Impact Assessment

18. Following the public consultation, the decision has been made to publish the Cumulative Impact Assessment because the authority is of the opinion that the number of licensed premises and club premises certificates within the City Centre and the East Oxford area is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence and data, from Thames Valley Police, the Responsible Authorities and other persons, which show high levels of public nuisance, anti-social behaviour and crime and disorder within these areas. Therefore it is appropriate and necessary to control the cumulative impact in these areas with the reintroduction of the Special Saturation Policies (SSP).
19. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).

Report author	Richard Masters
Job title	Senior Licensing Compliance Officer
Service area or department	Regulatory Services and Community Safety
Telephone	01865 252565
e-mail	licensing@oxford.gov.uk