

Report to:	Licensing and Regulatory Committee Council	Date of Meeting:	Monday 25 June 2018 Thursday 19 July 2018
Subject:	Final draft revised Statement of Licensing Policy – Licensing Act 2003		
Report of:	Head of Regulation and Compliance	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek Members' comments on the final draft revised Statement of Licensing Policy and to then refer to Council for approval.

Recommendations:

That the Licensing and Regulatory Committee:

- i) Consider and agree the final draft of the revised Statement of Licensing Policy, attached at Annex 2; and,
- ii) Refer the agreed revised Statement of Licensing Policy to Council for approval.

That Council:

- i) Approve the revised Statement of Licensing Policy, attached at Annex 2.

Reasons for the Recommendations:

To enable the timely review of the Statement of Licensing Policy.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None
Legal Implications: None
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and notes the report indicates no direct financial implications for the Council. (FD 5170/18).

Head of Regulation and Compliance has been consulted and any comments have been incorporated into the report. (LD 4394/18).

(B) External Consultations

Consultation exercise took place between 5 February 2018 and 2 April 2018

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

Annex 1 – Responses received to consultation exercise.
Annex 2 – Final draft revised Statement of Licensing Policy.

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Members will recall that Section 5 of the Licensing Act 2003 (“the LA03”) formally requires that the Licensing Authority has to prepare and publish a statement of its licensing policy (“the Policy”) every five years. During each five year period, the Licensing Authority must keep the Policy, in respect of that period, under review and make such revisions to it, at such times, as it considers appropriate.
- 1.2 The existing Policy has been kept under review since coming into force on 9 December 2013 and no revision has been deemed necessary to date. It will require reviewing in 2018 in order for a revised Policy to come into effect from 9 December 2018 (when the new five year cycle will commence).
- 1.3 Before determining its Policy, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
 - The chief officer of police for the area;
 - The Director of Public Health;
 - The fire authority for the area;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences; and,
 - Persons/bodies representative of businesses and residents in its area.
- 1.4 The views of the above have to be given appropriate weight when the Policy is being determined.
- 1.5 In addition to the above, the Authority must also have regard to Guidance issued under Section 182 of the LA03 by the Home Office.

2.0 Consultation process

- 2.1 The consultation took place between 5 February 2018 to 2 April 2018.

2.2 The consultation consisted of:

- i) Publishing the draft revision, a list of the alterations made, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Consultation Finder (www.engagespace.co.uk/sefton);
- ii) News items placed on the Sefton Twitter account and the Sefton Facebook page;
- iii) Placing copies of the draft revision, and the list of the alterations made, in local libraries; and,
- iv) Through press releases to all local press agencies.

2.3 In addition to the general consultation/awareness raising referred to above specific consultations also took place where a letter, copy of the changes proposed and copy of revised Policy were forwarded for comment to:

Letter and copy of the Policy were sent to Merseyside Police; Merseyside Fire and Rescue; the local Health Body; Sefton Council Environmental Health & Licensing Section; Sefton Council Planning; Sefton Council Safeguarding Children's Unit; and Home Office Immigration Enforcement; British Beer & Pub Association; British Institute of Innkeepers; Federation of Licensed Victuallers Association; Association of Licensed Multiple Retailers; Association of Convenience Stores; the Wine and Spirit Trade Association; Committee of Registered Clubs Association; Chartered Institute of Environmental Health; Highfield Awarding Body for Compliance; Industry Qualifications; Laser Learning Awards; Pearson Education; Qualifications Network; Training Qualifications UK; the Scottish Qualifications Authority; Sefton Chamber of Commerce; the Southport BID Team; and to all Borough Councillors, Sefton Members of Parliament and Parish Council Clerks.

2.4 A full list of responses to the consultation exercise, together with the officer appraisal of those responses, is provided at Annex 1 to this report.

3.0 Further revisions made to Policy

3.1 As a result of the consultation, and changes to the S.182 Guidance, further amendments have been made to the Policy, these being additional to those outlined within the Report to Members on 8 January 2018, and these are indicated below.

3.2 Paragraph 1.8 Sefton population changed to 274,853 to reflect 2016 Census figures.

3.3 Paragraph 1.9 repeated first sentence deleted.

3.4 Following sentence added to second bullet point in paragraph 1.9:

Southport Business Improvement District, the Council, Merseyside Police, Pubwatch, Light for Life and Street Pastors have been successful in applying for Purple Flag status.

3.5 In paragraph 1.10 *Unitary Plan* changed to *Local Plan*.

3.6 Paragraph 1.13 the following added to the end:

Southport Business Improvement District funds two regulated Taxi Marshalls every Friday and Saturday and selected Bank Holidays and special events from midnight to 4am. The Marshalls being located at the Lord Street taxi rank.

3.7 Paragraph 3.2 altered to include “local pubwatches” between “local businesses” and “community representatives”, to now read:

To achieve these objectives the Authority will use a full range of measures including its planning, transport and crime and disorder policies and powers. The Authority will work in partnership with Merseyside Police, Merseyside Fire Authority, local businesses, local pubwatches, community representatives and local people in meeting these objectives.

3.8 Paragraph 3.3 first bullet point re-drafted to now read:

- *The layout of the local area and physical environment including crime and disorder hotspots, hotspots of ill health (particularly children) caused by alcohol, proximity to residential premises and proximity to areas where children may congregate;*

3.9 Paragraph 3.5 altered to include the following at the end of the bullet point:

- *Illegal sale of alcohol to those who are already drunk;*
- *Participation in any existing radio network scheme*

3.10 Paragraph 3.9 penultimate bullet point re-drafted to now read:

- *Measures to be taken to reduce drunkenness on the premises, e.g. the “Drink Less Enjoy More” scheme;*

3.11 Paragraph 4.1 health added to list top now read:

The Authority will ensure proper integration of this and other related policies and strategies, including its cultural, economic development, local crime prevention, health, planning, race equality, transport, tourism and town centre management strategies, through consultation, ongoing communication and reporting arrangements between the Licensing and Regulatory Committee, the Licensing Unit and other relevant bodies.

3.12 Paragraph 4.8 redrafted to now read:

The Authority also encourages Licencees to give consideration to the National Alcohol Harm Reduction Strategy and any Alcohol Harm Reduction Strategy that may be in force from Sefton Council, in particular the contribution they can make to reducing the harm caused by irresponsible consumption of alcohol.

3.13 9.0 Section heading changed to now read Cumulative Impact Assessment.

3.14 Paragraph 9.1 to 9.6 re-drafted and replaced with below:

- 9.1 *A cumulative impact assessment (“CIA”) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.*
- 9.2 *Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on 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.*
- 9.3 *The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives.*
- 9.4 *The Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.*
- 9.5 *This Authority has not published a CIA, however it should be noted that although the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act.*
- 9.6 *Each decision in an area subject to a CIA would still need to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. It is also noted that the publication of a CIA*

would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

3.14 A copy of the Final Draft of the Policy is to be found within Annex 2.