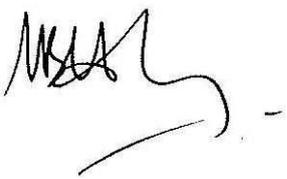


Report to:	Licensing Committee	Date:	24 September 2018
Report title:	Licensing Policy Review (Licensing Act 2003)		
Report from:	Mary Morrissey - Strategic Director, Environment, Housing & Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Muhammad Sadiq		
Author(s)/Contact Number(s):	David Kingstone, Team Leader Licensing & Environmental Compliance, 020 8770 5162 / 0734 2055 767 Nick Cloke, Licensing Lead Officer, 020 8770 5622 / 020 8547 5600 ext. 4366		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • Making Informed Choices • Keeping People Safe 		
Open/Exempt:	Open		
Signed:		Date:	11 September 2018

1. Summary

- 1.1 This report introduces a draft Statement of Licensing Policy under the Licensing Act 2003 following a period of review, and invites Members to consider the draft policy and approve it for public consultation as required by the legislation.

2. Recommendations

The Licensing Committee is recommended to:

- 2.1 Approve the draft Statement of Licensing Policy and agree the process of consultation on this policy and the Cumulative Impact Assessment Report.

3. Background

- 3.1 The Council, in its capacity as Licensing Authority, is required under the Licensing Act 2003 to approve and publish a Statement of Licensing Policy [the Policy], which must be reviewed a minimum of every 5 years.
- 3.2 The Licensing Policy sets out the arrangements the Licensing Authority will normally follow in carrying out its functions under the Licensing Act 2003, particularly when making decisions on licence applications made in respect of Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.
- 3.3 In June 2018, the Committee resolved that a draft Statement of Licensing Policy be brought to this committee for consideration ahead of a period of public consultation. A draft Statement of Licensing Policy was shared with members at the start of September, and is also attached at Appendix A.

4. Issues

- 4.1 The current Licensing Policy was approved in March 2014 and must therefore be reviewed, with a new Policy published by March 2019.
- 4.2 The London Borough of Sutton's current Policy contains a Special Policy on Cumulative Impact (Saturation Policy) and the Licensing Committee commenced a review of that area of the Policy in 2016. Following a process of data collection and analysis at subsequent committee meetings, the Committee resolved in December 2017 to propose two areas to which a Special Policy on Cumulative Impact would apply, subject to consultation.
- 4.3 Following a change in the approach to Cumulative Impact introduced through section 141 of the Policing and Crime Act 2018 in April, a new document called a Cumulative Impact Assessment has been prepared. The document incorporates the findings of the review of Cumulative Impact Assessment carried out in 2016/17. The draft Cumulative Impact Assessment is published separately but in support of the Statement of Licensing Policy and a copy is given at Appendix B.

5. Options Considered

Draft Policy

- 5.1 The draft Statement of Licensing Policy has been drafted in accordance with the requirements of the Secretary of State's Guidance on the Licensing Act 2003 (known as s182 Guidance) and whilst overhauled many of the policies contained therein have not been significantly amended.
- 5.2 Whilst the contents of the draft Licensing Policy is largely similar to those going before, officers have taken the opportunity to revise the layout. Some additions have been made in consideration of latest Government and Home Office advice, and have also taken into account issues and concerns that have arisen over the life of the current policy.

- 5.3 The most significant change is in relation to the Cumulative Impact Policy, now known as a Cumulative Impact Assessment this document will sit separately to the Statement of Licensing Policy.
- 5.4 Other proposed revisions include further stipulations; in relation to the Protection of Children from Harm licensing objectives, and to the detail and supporting information the Licensing Authority expect to see contained within operating schedules.
- 5.5 The Committee is invited to note the draft Statement of Licensing Policy and are invited to identify any areas that may require amendment ahead of its publication for consultation.

Consultation

- 5.6 The Licensing Authority is obliged to consult on any reviews it makes of its Statement of Licensing Policy, and in doing so is required to consult with:
- The Chief Officer of Police
 - The Fire and Rescue Authority
 - The Director of Public Health
 - 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
 - Persons / bodies representative of businesses and residents in its area.
- 5.7 Consultation can however be extended to whatever extent is deemed appropriate in the circumstances and it is intended that the draft Policy will be made generally available on the Council's website. Electronic or printed copies of the draft Policy will be made available to all those who request it.
- 5.8 As with other policy consultations, existing licence holders and the Responsible Authorities will be consulted in writing, advising them that the Policy is under review and directing their attention to its location on the website.
- 5.9 In addition, to ensure wider knowledge of the consultation, it is further proposed that representatives of resident associations, faith groups and other relevant bodies will also be similarly notified.

Timescale

- 5.10 It is proposed that the draft Statement of Licensing Policy, subject to any amendments agreed at this meeting, and together with the Cumulative Impact Assessment is published for consultation 1 October for a period of 8 weeks (closing on 25 November).
- 5.11 A report detailing responses to the consultation will be brought to the December meeting of the Licensing Committee, together with recommendations for amendment to the Policy arising from those responses. Members will be invited to consider the responses, make such amendments

as appropriate to the Policy and approve final Statement of Licensing Policy for approval at the January meeting of Council and publication on 1 February 2019.

6. Impacts and Implications

Financial

- 6.1 Consultation on Policy incurs financial and time implications; these can be met from existing resource and budget.

Legal

- 6.2 Section 122 of the Police Reform and Social Responsibility Act 2011 amended section 5 of the Licensing Act 2003, so that the 3 year period of the Council's Statement of Licensing Policy was extended to 5 years, when it needs to be reviewed and re-published.
- 6.3 Section 141 of the Policing and Crime Act 2017 amended section 5 of the Licensing Act 2003 to include the requirement for Cumulative Impact assessments (CIAs) instead of the adoption of Cumulative Impact Zone and Policies, as part of the Council's Statement of Licensing Policy. Section 5 (a) (1) of the Licensing Act 2003 (as amended) states:

"A licensing authority may publish a document ("a cumulative impact assessment") stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts."

- 6.4 Before introducing a Cumulative Impact Assessment, the Licensing Authority is required to undertake a formal public consultation processes and a CIA can only be introduced where it is supported by evidence. Paragraphs 14.29 to 14.33 of the Home Office Guidance under section 182 of the Licensing Act 2003 sets out what evidence and other matters the Authority may wish to consider.
- 6.5 Other legislative amendments have taken place to licensing legislation that mean that changes have to be made to the Council's Statement of Licensing policy. These arise from changes made by the Immigration Act 2016 (Schedule 4), the Police Reform and Social Responsibility Act 2011, and the Policing and Crime Act 2017 for example.

7. Appendices and Background Documents

Appendix letter	Title
A	Draft Statement of Licensing Policy under the Licensing Act 2003
B	Draft Cumulative Impact Assessment Report

Background documents

Secretary of State - Guidance on the Licensing Act 2003 (s182 Guidance) (Home Office)

Audit Trail

Version	Final	Date: 11 September 2018
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Consultation with other officers

Finance	No	N/A
Legal	Yes	Guy Bishop
Equality Impact Assessment required?	No	Not required at this stage

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