

11 January 2017

Report of	Head of Professional Services	Author	Jon Ruder
Title	Review of the Statement of Licensing Policy		☎ 282840
Wards affected	All		

This report details proposed changes to the Statement of Licensing Policy following the annual review of the Policy. It also recommends that the Policy be referred to Council for adoption.

1. Decisions Required

1.1 Members are asked to -

- (i) Consider the proposed amendments to the Licensing Policy set out at Appendix 1.
- (ii) Agree the amended Policy and propose its adoption to full Council.

2. Reasons for Decisions

- 2.1 The Licensing Policy, approved in January 2016, has been reviewed in the light of experience and taking into account changes in the nature of the night-time economy over the past year.

3. Alternative Options

- 3.1 To leave the Policy unchanged.

4. Matters for consideration

- 4.1 The Policy was approved by full Council in December 2015 and implemented with effect from 1 January 2016. Since its implementation a number of applications have been made and officers have had the opportunity to test the Policy. Over the past year there have also been a number of changes in the Town Centre which have seen the development of an increasing number of residential properties and a reduction in public nuisance and disorder as a result of the work of the multiagency Licensing Enforcement Group headed by the Council. Having regard to these factors a review of the Policy has been undertaken to ensure that it remains relevant.

- 4.2 The key changes are marked in the policy attached at Appendix 1 and are as follows –

- 1.11 Link to Purple Flag
- 1.13 Changes to reflect the new Annual Partnership Plan
- 1.14 SOS Bus – strengthening the paragraph to highlight that the SOS Bus is funded by voluntary contributions and therefore that the support of the licensed

trade is essential to its continued operation and to the mitigation of any impact caused by licensed premises in the town centre.

- 3.11 Inclusion of the expectation that licence holders are expected to operate their premises in line with application and commitments given to the Committee in order to gain their licence
- 3.13 Giving further details on the types of venues that are encouraged.
- 3.14 Inclusion of additional categories of venues, including garages and camping venues in the Matrix and minor adjustment to time for non-alcohol led premises. Inclusion of paragraphs on the primary use of the premises and the need to demonstrate an exceptional case to justify departure from the Policy.
- 3.38 Inclusion of paragraph dealing with the opening hours of premises.
- PS7-10 Inclusion of measures in relation to the use of special effects, hypnotism. Large scale events, and care and safety of persons leaving the premises
- CH10 Inclusion of measures in relation to the operation of Under 18 events.
- 9.5 Amendments to the Special Policy for the Old Town Zone –
 - Removing the times associated with the venue types
 - Changes to the categories of venues to make clear what is encouraged and what there is a strong presumption against.

5. Strategic Plan References

- 5.1 The Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non-licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Consultation and Publicity Considerations

- 7.1 The original Policy was the subject of an extensive consultation process as prescribed by the Licensing Act 2003. The revisions will be published on the Council's website and will be discussed with the trade through the medium of Pubwatch. In view of the fact that the revisions are largely clarification it is not considered that a wholesale consultation is necessary.

8. Financial Implications

- 8.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the Statement of Licensing Policy.

9. Equality, Diversity and Human Rights Implications

- 9.1 The draft revised Statement of Licensing Policy has been prepared in accordance with and taken account of, all relevant legislation. There is an Equality Impact Assessment in Place for the Policy.

10. Community Safety Implications

- 10.1 The Licensing Policy is a key component in the Council's strategy to tackle crime and disorder and anti-social behaviour, particularly alcohol related anti-social behaviour and as such it will contribute significantly towards improving overall community safety.

11. Health and Safety Implications

- 11.1 There is no known direct public health and safety issues arising from the adoption of the amended Licensing Policy.

12. Risk Management Implications

- 12.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.