

**COLCHESTER BOROUGH COUNCIL
CABINET
8 March 2017 at 6pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)


3. Urgent items

The Chairman has agreed that the item below should be considered at the meeting as a matter of urgency, as it concerns changes to the Statement of Licensing Policy and need to be considered by the Committee before the next scheduled meeting of the Licensing Committee which is on 31 May 2017.

Review of the Statement of Licensing Policy

See report by the Head of Professional Services.

8 March 2017

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

This report proposes minor changes to the Statement of Licensing Policy

1. Decisions Required

- 1.1 Members are asked to consider the proposed amendments to the Licensing Policy set out in Paragraph 4.2 below.

2. Reasons for Decisions

- 2.1 The Licensing Policy, approved in January 2016, is monitored and reviewed on a regular basis, the last changes being made in February 2017. The proposed amendments are suggested to help improve the clarity of the Policy.

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. The Council has had recent feedback on the Policy in relation to the evidence that underpins it and in the light of this feedback it is suggested that the Policy should be changed to make it clear that there is evidence that underpins the Policy, in particular in relation to the creation of a Special Policy for the Old Town Zone. It is also considered beneficial to make it clear that the Special Policy does not reverse the presumption of grant.
- 4.2 The key changes are set out in Appendix 1 and are –
- Deletion of the words underlines in Paragraph 2.13
 - Insertion of the words in italics in Paragraph 9.1 and 9.2

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.

6. Consultation and Publicity Considerations

- 6.1 The original Policy was the subject of an extensive consultation process as prescribed by the Licensing Act 2003. The revisions are clarification and it is not considered that a wholesale consultation is necessary.

7. Financial Implications

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

8. Equality, Diversity and Human Rights Implications

- 8.1 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.

9. Community Safety Implications

- 9.1 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.

10. Health and Safety Implications

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

11. Risk Management Implications

- 11.1 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.

Operation of the Policy

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

2.10 Where there is no relevant representation, the licence must be granted as applied for subject to the mandatory conditions and those specified in the operating schedule.

2.11 If there is a relevant representation, the application will be considered against the policies and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.12 There is a greater chance of a representation being made (and therefore a hearing) where the factors contained in this Policy are not addressed.

2.13 Where the policy is to refuse the application in line with the special policy, the Licensing Authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify a departure. In considering whether there are such circumstances, the authority will consider the reasons for the policy and whether those reasons would be met notwithstanding the departure.

9. Special Policy for Colchester's Old Town Zone

9.1 In the town centre restaurants and takeaways account for over half of the premises in the night time economy and pubs, bars and inns account over a third of all premises. **There is evidence that within the area identified as the Old Town Zone (shown on the plan at Appendix 1), the promotion of the licensing objectives is being undermined, *in particular in the early hours of the morning*, as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.**

9.2 The Licensing Authority considers that whilst the levels of problems do not currently justify the implementation of a cumulative impact policy for the area *and therefore a reversal in the presumption of granting applications*; **the area is of concern and will be kept under review.** The Licensing Authority has taken into consideration the role of the SOS bus in helping to mitigate the problems caused by the sale of alcohol in this area and recognizes that were the bus to be withdrawn the effect would be to push problems in the area to levels where a cumulative impact area would be considered.

9.3 Therefore, the Council has adopted a special policy for the area, to be known as the Old Town Zone Policy.

9.4 There is evidence of problems associated with operation of licensed premises in the Old Town Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area.