


17 January 2018

Report of	Assistant Director (Environment)	Author	Jon Ruder
Title	Amendments to the Licensing Policy		 282840
Wards affected	Not applicable		

This report details a proposed change to the Statement of Licensing Policy to improve its clarity

1. Executive Summary

- 1.1 Changes are proposed to the Council's Statement of Licensing Policy in relation to off sales. Since its introduction on January 2016 it has become apparent that the wording of the Policy is causing some misunderstanding amongst applicants particularly in relation to the references to presumptions. Changes have been made to the Policy in relation to the Town Centre Zone and, to ensure consistency of approach across the policy and to improve its clarity, changes are proposed in relation to the provisions for off sales.

2. Recommended Decision

- 2.1 To approve the proposed amendments to the Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The Licensing Policy, approved in January 2016, has been reviewed in the light of experience gained and having regard to the introduction of the Public Space Protection Order. The proposed amendments are recommended to ensure the policy remain current.

4. Alternative Options

- 4.1 To leave the Policy unchanged.

5. Background Information

- 5.1 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. It has become apparent that the wording of the Policy is causing some misunderstanding amongst applicants particularly in relation to the references to presumptions. Changes were made in September 2017 in relation to the Town Centre Zone and in order to ensure consistency of approach across the policy it is considered necessary to amend the provisions in relation off sales.
- 5.2 The following paragraphs are suggested to replace those already in the Policy –
- 3.34 The Council has implemented a Public Space Protection Order for the town centre in order to address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.
- 3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.
- 3.36 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.
- 3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00 and therefore expects applicants seeking to sell alcohol before this time to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors.

6. 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. In view of the fact that addition does not change the Policy it is not considered that a wholesale consultation is necessary; the revised Policy will be placed on the Council's website.

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.