Full Council: 3rd December 2015

Item

Review of Statement of Licensing Policy 2016 – 2021

EXECUTIVE MEMBERS: Councillors David Moore (Legal) and David Banks (Community Safety and Enforcement).

LICENSING COMMITTEE CHAIRMAN: Councillor Graham Roberts.

LEAD OFFICER: Clinton Boyce, Legal Services Manager.

REPORT AUTHOR: Clinton Boyce, Legal Services Manager.

Recommendation:

That the Statement of Licensing Policy 2016-2021, as set out in the Appendix to the report, and prepared under section 5 of the Licensing Act 2003, be approved.

1. INTRODUCTION

1.1 The Council, as licensing authority, has a duty under section 5 of the Licensing Act 2003 ('the Act') to determine and publish a policy in respect of the exercise of its licensing functions ('the Policy'). The Policy will set out the general approach on how the Council will make licensing decisions. This Policy must be reviewed every five years. It can be reviewed at any time during that period.

1.2 Council on the 12th October 2010 approved the last Policy with it taking effect from the 7th January 2011. That policy expires on the 6th January 2016. A new Policy, the subject of this report, will run from the 7th January 2016 until the 6th January 2021 unless reviewed earlier. The new policy must be put in place before the 7th January 2016.

1.3 The Council’s Licensing Committee has prepared the attached draft Policy and at its meeting on the 24th September 2015 agreed that such Policy should be recommended to Council for approval.

1.4 The Committee started the process of preparing a new Policy on the 4th February 2015. The Committee on that date approved a draft policy for public consultation. That consultation ran from the 4th February 2015 until the 20th March 2015.
1.5 The draft Policy was different from previous policies in two respects. Firstly, there had been numerous changes to licensing law since 2011 and the policy was updated to reflect these changes. Secondly, the Cumbria Constabulary (‘the Police’) had requested that the Council adopt a cumulative impact policy for Whitehaven Town Centre. A cumulative impact policy (being a policy within the main Policy), if adopted, would have made it harder for a premises licence to be granted in a cumulative impact area. It would create a presumption against a licence being granted unless exceptional circumstances existed. The Police stated that the current level of crime and disorder was untenable and that the adoption of a cumulative impact policy was essential to minimising such level.

1.6 Twelve responses to the public consultation were received most relating to the possible adoption of a cumulative impact policy. Those responses not relating to cumulative impact were accepted by the Licensing Committee and the draft Policy was amended to address the points raised. These included concerns raised by the Copeland Disability Forum, Cumbria Fire Service and Moresby and Parton Parish Councils.

1.7 With regard to the responses received regarding the introduction of the cumulative impact policy these were considered in detail by the Licensing Committee particularly with regard to whether alternative options would achieve a reduction in crime and disorder. Following further consideration of the cumulative impact policy the Police decided to withdraw their request for the introduction of such. This was on the basis that at this time it would prefer to work with the Whitehaven Pub Watch to try and achieve a reduction in late night crime and disorder by other means but reserving the right to request the Council to consider introducing such within the five-year life span of the Policy if crime and disorder increases. The Licensing Committee agreed with the Police and agreed to work with the Police and Pub Watch to explore alternative options for reducing crime and disorder.

1.8 If desired, members can obtain a copy of the original request by the Police for a cumulative impact policy, the representations received, the reports to the Licensing Committee and minutes of that Committee from the Legal Services Manager.

2 RECOMMENDATION

Only Council can adopt the policy. The draft revised Policy, to cover the period 2016-2021 and prepared by the Licensing Committee, is attached as an appendix to this report. Council is asked to approve the Policy, which is made under section 5 of the Licensing Act 2003.
3. STATUTORY OFFICER COMMENTS

3.1 Monitoring Officer Comments: As set out in this report.

3.2 S151 Officer Comment: No financial issues arise from the report.

3.3 EIA Comment:

The policy is designed to promote the four licensing objectives as set out in the policy. As such the beneficiaries of the policy are very broad across the communities that live, work and visit the Borough. The policy seeks to reinforce and develop measures to improve the safety of the public and minimise the risk of crimes against them, to mitigate the effects of regulated activities upon the communities in which the activities are held and to protect children from inappropriate activities. Children are accorded a special status in view of the licensing objective to protect children from harm. The policy also seeks to provide useful information to those who provide, or wish to provide, regulated activities and thereby assist them in understanding the policies we apply and to understand that each application will be treated equitably having regard to the Policy. There is no intention and no foreseeable impact of the policy to mean that disabled people or people with other protected characteristics as specified by the Equality Act 2010 would be treated more adversely as a consequence of the proposals in the policy.

3.4 Policy Framework Comment: Relevant policies are referred to in section 2 of the draft statement.


List of Background Documents:

Police request for the adoption of a cumulative impact policy; and Responses to statutory consultation.

Consultees:

As required by the Licensing Act 2003.