

| Bath & North East Somerset Council | | |
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| MEETING | Licensing Committee | |
| MEETING DATE: | 16 October 2019 | |
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| TITLE: | Licensing Act 2003 Review of Statement of Licensing Policy and Review of Cumulative Impact Assessment | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: Appendix 1- Responses to the public consultation with officer recommendations Appendix 2- Proposed Statement of Licensing Policy Appendix 3- Briefing on the Review of the Cumulative Impact Assessment Appendix 4- Analysis of Crime and Disorder data relating to licensed premises 2014-2019 Appendix 5- Existing and Proposed Cumulative Impact Assessment Area | | |

1 THE ISSUE

- 1.1 Section 5 of the Licensing Act 2003 ('the Act') requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. During the five-year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.
- 1.2 Additionally, the Policing and Crime Act 2017 introduced into the Act a statutory basis for Cumulative Impact Assessments (CIA) and prescribed that existing cumulative impact policies should be reviewed either within 3 years of the legislation on CIA's being introduced, or, when the Statement of Licensing Policy is next due for review, whichever is sooner. The Council has carried out a review concurrently with the review of the Statement of Licensing Policy.
- 1.3 The report identifies the findings of a public consultation exercise and provides recommendations to the Committee prior to the Statement of Licensing Policy and the revised CIA being presented to Full Council in November 2019.

2 RECOMMENDATIONS

The Committee is asked to;

- 2.1 Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.
- 2.2 Recommend the revised Statement of Licensing Policy and Cumulative Impact Assessment area provided in Appendix 2 are presented to Council in November 2019 with a recommendation that they are adopted.

3 THE REPORT

- 3.1 The Council has completed a 12-week public consultation on the review of the Statement of Licensing Policy which it is obliged to do at least every five years. In addition, the opportunity has been taken to review the geographic area of the Cumulative Impact Assessment Area at the same time.
- 3.2 The Statement of Licensing Policy explains how the Licensing Authority will exercise its licensing functions under the Act. Central to the Licensing Policy Statement is the promotion of the four key licensing objectives:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3 Following the public consultation and the responses received, the proposed Statement of Licensing Policy is provided at Appendix 2.
- 3.4 The purpose of the Cumulative Impact Assessment is that it creates a rebuttable presumption that all applications for new premises licences or club premises certificates or variations which relate to “on trade” premises situated within an identified area will be refused if relevant representations are received. In this context, ‘on trade’ means the sale of alcohol for consumption on the premises. Further information is provided in the briefing paper at Appendix 3.
- 3.5 Following analysis received from Avon and Somerset Police regarding incidents of crime and disorder relating to ‘on trade’ licenced premises between 2014-2019 (Appendix 4), it is proposed that the area of the CIA is amended as shown in Appendix 5. Following the outcome of the public consultation on this proposal, some comments were received about crime and disorder in specific areas; Avon and Somerset Police have been asked to review the crime and disorder data relating to licensable activities in these areas and have confirmed the proposed area of the CIA.
- 3.6 In accordance with the Act, the public consultation included the persons/bodies listed in Section 9 and the statutory guidance issued under s. 182 of the Act states their views should be given appropriate weight when the policy is determined.

4 STATUTORY CONSIDERATIONS

- 4.1 The basis for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years and in this instance the Cumulative Impact Assessment has been reviewed at the same time. Going forward the CIA will be reviewed every three years.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no financial, property or people implications presented by the adoption of this policy and Cumulative Impact Assessment area.
- 5.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which cover costs only.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 CLIMATE CHANGE

- 7.1 The Licensing Act 2003 and therefore the Statement of Licensing Policy is prescriptive and does not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses (if applicable).

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

- 9.1 Advice has been sought from the Council's Monitoring Officer and the Group Manager for Building Control and Public Protection and the Section 151 Officer (Director of Finance) have had the opportunity to input to this report and have cleared it for publication.
- 9.2 A 12-week public consultation process has been carried out involving the following groups:
- All statutory consultees including the Chief Officer of Police, the Fire and Rescue Authority, persons/bodies representative of local holders of premises licences, club premises certificates, personal licences and businesses and residents in the area
 - All Councillors, Parish and Town councils
 - Presentation to the Climate Emergency and Sustainability Policy Development and Scrutiny Panel

- All licensees within the current Cumulative Impact Assessment area were contacted by letter inviting them to participate in the consultation
- Meetings were held with the following Residents Associations:
 - Abbey Residents Association
 - Circus Residents Association
 - Marlborough Lane and Marlborough Buildings Residents Association
 - Rosewell Court Residents Association
 - The Royal Crescent Society
 - The Vineyards Residents Association

24 responses were received and these are provided in Appendix 1.

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| Background papers | Revised guidance under Section 182 of the Licensing Act 2003 |
| Please contact the report author if you need to access this report in an alternative format | |