

LICENSING COMMITTEE: 3 September 2019

Report of the Head of Shared Regulatory Services

**LICENSING ACT 2003 – REVIEW OF THE STATEMENT OF LICENSING
POLICY AND CUMULATIVE IMPACT ASSESSMENT**

1. Background

- 1.1 Under section 5 of the Licensing Act 2003 each licensing authority must produce a Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions. This policy should outline the licensing authority's approach to licence applications and the processes used to address any issues associated with such applications.
- 1.2 The SLP is required to be reviewed on a 5 year basis in consultation with:
- Chief Officer of Police for the area;
 - Fire and Rescue Authority for the area;
 - Local Health Board in Wales for an area any part of which is in the licensing authority's area,
 - Persons/bodies representative of local premises licence holders;
 - Persons/bodies representative of local club premises certificate holders;
 - Persons/bodies representative of local personal licence holders; and
 - Persons/bodies representative of businesses and residents in its area.
- 1.3 The SLP was last revised in 2016 and is due to be renewed in January 2022. However the Policing and Crime Act 2017 introduced 'Cumulative impact assessments (CIAs)' into the Licensing Act 2003, with commencement from April 2018. The CIA should be published as a separate document, but is summarised in the Council's Statement of licensing policy.
- 1.4 The revised Home Office Guidance issued under Section 182 of the Licensing Act requires that CIAs are reviewed every 3 years.
- 1.5 Due to these changes it is necessary to review the Council's current Statement of Licensing Act Policy (SLP) and publish a separate CIA.

- 1.6 The purpose of this report is to approve the draft SLP (**Appendix A**) and CIA (**Appendix B**) for wider consultation with those consultees listed in 1.2 above.

2. Changes to the Statement of Licensing Policy

- 2.1 Only small, mostly administrative changes have been made to the SLP. The draft document in **Appendix A** contains track changes to demonstrate the alterations. In summary, they are as follows:

- Update to de-regulated entertainment
- The introduction of ‘right to work’ checks – applicants are now required to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to carrying on licensable activities.
- Introduction of the Home Office as a responsible authority.
- A summary of the City Centre Cumulative Impact Assessment is referred to in the SLP, and is produced as a separate document.

3. Cumulative Impact Assessment

- 3.1 An extensive review of the current cumulative impact policy has been conducted with South Wales Police. It has concluded that there remains large amounts of crime and disorder throughout the city centre area which is linked to the presence of licensed premises. The proposed policy continues to recognise that not all types of licensed premises contribute to crime and disorder in the city centre and therefore certain types of premises such as hotels, cinemas and restaurants (with restrictions) are proposed to be excluded from the CIA. Evidence continues to suggest that licensable activities at bars/night-clubs, off-licences and fast food takeaways offering late night refreshment do contribute to the problems in the City Centre.
- 3.3 Following the review of all relevant data, it is proposed that there should be no change in the area or application of the current cumulative impact policy. The draft CIA is separate document, but is summarised in the SLP.
- 3.4 In addition to statistical data that formed part of the evidential basis of the current cumulative impact policy, this revision of the policy has also included a review of video evidence provided by South Wales Police demonstrating the problems in the city centre that can be attributed to licensable activities.

4. Consultation

- 4.1 It is proposed that a consultation period on the draft SLP and CIA will take place between 19th August 2019 and 11th October 2019. Responses will be taken into

consideration and the final Policy will be approved by Licensing Committee and Full Council in November.

5. Achievability

This report contains no equality personnel or property implications.

6. Legal Implications

6.1 Section 5 of the Licensing Act 2003 places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy every five years. The Council is required to approve the SLP for publication.

6.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

7. Financial Implications.

7.1 This report does not result in any additional financial implications and can be achieved within existing budget provision.

8. Recommendation

8.1 It is recommended that the Committee approve the draft Statement of Licensing Policy and Cumulative Impact Assessment for consultation with those bodies listed in paragraph 1.2 above.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

18 July 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None