

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Committee</b> 22 November 2023
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<b>Report title</b>	Authorisation to Seek Consultation on Draft Statement Of Licensing Policy	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of Resident Services	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
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<b>Report to be/has been considered by</b>	None	

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**Recommendation for decision:**

The Statutory Licensing Committee is recommended to:

1. Approve a 12 week consultation on the draft Statement of Licensing Policy (including the Cumulative Impact Policy) 2024-2029 to arrive at a final draft for consideration by this Committee prior to its consideration and adoption at full Council.

## **1.0 Purpose**

- 1.1 To seek the Committee's authorisation to circulate for comment and consideration both of the draft Statement of Licensing Policy 2019-2024 and the Cumulative Impact Policy. The policies will then be submitted to the Committee with any suggested amendments for its agreement prior to approval at Full Council in 2024.

## **2.0 Background**

- 2.1 Section 5 of the Licensing Act 2003 requires that all licensing authorities prepare and publish a Statement of Licensing Policy in order to exercise their functions under the Act. The policy must be revised every five years or sooner if revisions are considered appropriate.
- 2.2 The current Statement of Licensing Policy was implemented on 3 April 2020 for a five-year period. The new policy must be published and in force on or before 3 April 2025.
- 2.3 The Statement of Licensing Policy once again contains a Cumulative Impact Policy (CIP). The effect of a Cumulative Impact Policy is the rebuttable presumption that any application for a new or varied licence will be refused where premises are located within the area covered by the policy, unless the applicant is able to evidence that the grant of a new or varied licence will not either add to the cumulative effect currently experienced or undermine promotion of the licensing objectives.
- 2.4 As a "special policy", the Cumulative Impact Policy is reviewable independently from the Statement of Licensing Policy. However, the last proposed review in 2021 was delayed as the effect of COVID-19 on the night-time economy would have undermined the evidential basis that was considered. Additionally, the effect on the crime and antisocial behaviour statistics which underpin the CIP was so profound that it was felt that a review of that policy should be joined to the review of the main policy to allow for a more representative evidence base to be considered.

## **3.0 Proposal**

- 3.1 All responsible authorities will be formally engaged over the draft policy and their comments incorporated into the final draft policy statement.
- 3.2 In line the consultation of the previous policy, every holder of a premises licence, including agents, individual applicants, pub companies, breweries, Pubwatch, Wolverhampton BID, legal representatives and every individual holder of a personal licence issued by this authority will be consulted as part of this process.
- 3.3 The draft policy will appear on the Council's consultations portal for 12 weeks and consultees will be directed to it. They will be able to make any comments initially via email but there is the provision for full discussions if that is necessary.

- 3.4 A final draft will then be presented to this Committee for its comments and final endorsement. The policy will then be submitted to Full Council for its approval and adoption.
- 3.5 The draft policy for consultation is included at Appendix 1. Whilst this is a draft for wide consultation, Committee should be aware that after some initial discussion with responsible authorities this draft now includes:
- a strengthened Public Sector Equality Duty reference
  - the addition of a Local Area profile which provides information and context on national research and a local evidence base for alcohol related harm in Wolverhampton
  - Additional conditions where there are online sales conducted
  - Reference to the current enforcement policy used by the Councils regulators (eg. Licensing, Trading Standards and Environmental Health)
- 3.6 The draft policy for consultation appears at Appendix 1 to this report. The evidence base for the Cumulative Impact Policy appears at Appendix 2.

#### **4.0 Financial implications**

- 4.1 The costs associated with the preparation and publication of the Statement of Licensing Policy including the consultation are met from the existing Licensing budget. No other financial implications arise as a result of this process and report.

[SB/09112023/K]

#### **5.0 Legal implications**

- 5.1 The Licensing Authority is required to act in accordance with the:
- provisions of the Licensing Act 2003,
  - statutory guidance issued by the Secretary of State, and
  - Council's Statement of Licensing Policy, in its determination of applications
- 5.2 Section 5 of the Licensing Act 2003 provides that a Licensing Authority must, every 5 years, determine and publish a Statement of Licensing Policy.
- 5.3 The integrity of the Statement of Licensing Policy has the potential to directly impact upon the Council's determination of applications under the Act and as such decision made could be the subject of judicial review or appeal.

[RS/08/11/2023-2]

## **6.0 Equalities implications**

6.1 A full Equalities Impact Assessment will be carried as part of the process. Businesses, personal licence holders and local people will be invited and encouraged to participate in the formation of the Statement of Licensing Policy.

## **7.0 All other Implications**

7.1 There are no implications for climate change and the environment, Human Resources, Corporate Landlord, Health and Wellbeing and no implications that have arisen from the Covid-19 Pandemic.

## **8.0 Schedule of background papers**

8.1 There are no background papers.

## **9.0 Appendices**

9.1 Appendix 1 - Draft Statement Of Licensing Policy for consultation

9.2 Appendix 2 - Evidence base for the Cumulative Impact Policy renewal.