



# Licensing Committee

## 25 March 2015

### Report Title

## Licensing Act 2003 – Review of Statement of Licensing Policy

### Classification

Public

### Wards Affected

### Accountable Strategic Director

Tim Johnson, Education and Enterprise

### Originating service

Licensing Services

### Accountable employee(s)

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### Recommendation

The Licensing Committee are recommended to:

- (i) Note responses to the consultation for the Statement of Licensing Policy.
- (ii) Agree the policy and its revisions.
- (iii) Refer the revised Statement of Licensing Policy to Full Council for final approval and implementation

## 1.0 Purpose of Report

1.1 The purpose of this report is to:-

- (i) To advise the Licensing Committee of the responses to the consultation of the draft Statement of Licensing Policy.
- (ii) Agree the policy and its revisions.
- (iii) Refer the policy to Full Council for approval and implementation.

## 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 which they propose to apply in exercising their functions under the Act every five years; as amended by the Police Reform Act published in April 2012.

2.2 The Council's current Statement of Licensing Policy came into force on 7 January 2011.

2.3 In accordance with legislation, and guidance issued by the Secretary of State under Section 182 of the Act, the Licensing Authority is now required to determine its Policy for a further five years and publish a statement of that policy. In accordance with the statutory time requirement, the revised policy for Wolverhampton City Council must be in force with effect from 7 January 2016.

2.4 Once published the Statement of Licensing Policy shall (subject to any further reviews and consultation) be in force for a further period of five years. However the document can be revised before this time as the policy is a live document which is subject to continuous review to meet the changing needs of the community, business circumstances and legislation.

2.5 Before determining its policy for a further five year period the Council are required to consult on the matter.

## 3.0 Revisions to the Cumulative Impact Policy

3.1 The effect of the Cumulative Impact Policy is to create a rebuttable presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in the Cumulative Impact Zone will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the City.

3.2 The first revision is to extend the area of the current Cumulative Impact Policy for the city centre. Additionally there are four areas identified with West Midlands Police, that would greatly benefit from being designated Cumulative Impact Zones. These are as follows:

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- Extend the area of the current area for the City Centre
- Avion Centre (off licences only)
- Dudley Road (off licences only)
- Bilston Town Centre (on and off licences)
- Wednesfield Town Centre (on and off licences)

#### 4.0 **Consultation Process**

4.1 The Licensing Committee requested that Licensing Services commence a statutory twelve week consultation on the draft of the Council's Statement of Licensing Policy.

4.2 The consultation commenced on 1 December 2014 and continued until 28 February 2015. The consultation followed best practice and sought views from a wide range of stakeholders including:

- PACT Groups in all areas effected
- Pubwatch groups in all areas effected
- Responsible Authorities
- The Councils website
- The Wolverhampton Licensing Forum
- All persons named in Section 5(3) of the Licensing Act

A total of nine responses were received, in addition to comments made at local Partners and Communities Together (PACT) meetings across the city and a summary of these may be found at Appendix 1.

4.3 Full copies of the responses to the consultation are available in the members library, in the Councillors area on the 3<sup>rd</sup> Floor.

#### 5.0 **Significant Revisions following Consultation**

5.1 Concerns were expressed at the Licensing Forum, that the area south of the Black Country route only had one licensed premises and as such a Cumulative Impact Zone would not be the appropriate tool to tackle problems in this area.

5.2 The Licensing Authority proposes to restrict the use of sky lanterns at licensed premises under the Public Safety licensing objective where appropriate by conditioning Premises Licences

#### 6.0 **Proposal**

Following the consultation process, Councillors are recommended to approve the Statement of Licensing Policy attached to become effective from 3 April 2015.

#### 7.0 **Legal Implications**

7.1 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

- 7.2 Section 5 of the Licensing Act 2003 provides that a Licensing Authority must, every 5 years, determine and publish a statement of licensing policy.
- 7.3 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 decisions made could be the subject of judicial review or appeal.
- 7.4 The Licensing Authority in determining applications and taking enforcement action pursuant to the Licensing Act 2003 will also have regard to the provisions of the Human Rights Act. [SH/13032015/Q]
- 8.0 **Financial Implications**
- 8.1 The costs associated with the preparation and publication of the Statement of Licensing Policy will be met from the approved Licensing budgetary. There are no other financial implications arising from this report. [TK/13032015/S]
- 9.0 **Equalities Implications**
- 9.1 To support these policies the Council will consult with a wide range of residents and businesses as part of an Equalities Assessment.
- 10.0 **Environmental Implications**
- 10.1 This report has no environmental implications.
- 11.0 **Background papers**
- 11.1 Previous reports on the revision of the Statement of Licensing Policy to Licensing Committee and Full Council.