

REPORT TO:	LICENSING COMMITTEE 26 SEPTEMBER 2022
SUBJECT:	LICENSING ACT 2003 – CONSULTATION: REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY INCLUDING REVIEW OF CUMULATIVE IMPACT ZONES/POLICIES AND PROPOSED INTRODUCTION OF A FURTHER CUMULATIVE IMPACT AREA WITHIN THE LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY
LEAD OFFICER:	Corporate Director, Sustainable Communities, Regeneration & Economic Recovery
CABINET MEMBER:	Cllr. Scott Roche Streets & Environment
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
FINANCIAL SUMMARY:	
<p>The Licensing Act 2003 became fully operational on 24 November 2005. The local authority has been processing applications with regard to this legislation since 7 February 2005, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Sub-Committee, the substantive licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS
The Committee is asked to:
1.1. Agree to commence consultation on the statutory 5 year review of the Council's Licensing Policy under the Licensing Act 2003;

- 1.2. Agree to consult on the review of current Cumulative Impact Areas as set out in the Statement of Licensing Policy to assess whether or not these ought to be retained;
- 1.3. Agree to consult on the potential introduction of a new Cumulative Impact Area as detailed in section 3.24 of the report;
- 1.4. Agree that the consultation referred to in paragraphs 1.1-1.3 shall be for a period of 6 weeks as detailed in paragraph 4.1 of the report;
- 1.5. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and then onward recommendation to Full Council regarding adoption of the Councils' Statement of Licensing Policy including Cumulative Impact Areas, if any.

2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late night refreshment

There are four licensing objectives which underpin the legislation and these are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

All decisions under the Act must be taken with a view to promoting these licensing objectives.

2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit. The policy was last reviewed in 2017 and re- published in February 2018 and is therefore due to be reviewed in 2022. A copy of the current policy is attached at Appendix 1.

2.3 There is a statutory consultation process in place both in relation to the Statement of Licensing Policy review and any review of or introduction of Cumulative Impact Areas which are detailed in the body of the report below. Since the Licensing Act 2003 was enacted, the Government has produced statutory guidance to accompany the Act to which the Council shall have regard when exercising its Licensing Act functions. The concept of 'cumulative impact' has always been detailed in this statutory guidance however the most recently updated statutory guidance provides more detail on cumulative impact areas and how these must be managed subsequent to legislative amendments in that regard which placed cumulative impact on a statutory footing. The Current

Statement of Licensing Policy was adopted prior to these amendments in guidance and statute.

- 2.4 Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 2.1 above) of a number of licensed premises concentrated in one area which are disproportionate and arise as a result of the concentration of particular types of premises in close proximity. In other words, where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives the Council as Licensing Authority may consider it appropriate to introduce Cumulative Impact Areas to manage this cumulative impact.
- 2.5 This Council had one cumulative impact zone in its policy from first publication in 2004 and introduced a further four 'cumulative impact zones' (CIZ's) into its licensing policy when it was reviewed in 2013. When the policy was last reviewed, the original one from 2004 that concerned 'On' licensed premises was removed due to the change in premises type in the area meaning it was no longer appropriate. The four later ones that relate to 'Off' licensed premises were retained.
- 2.6 Last year the Committee considered the current Cumulative Impact Areas in place and determined that pending the statutory review of the Council's Statement of Licensing this year, the current cumulative impact areas would remain in force. This report initiates the process of statutory review of the Statement of Licensing Policy and the Cumulative Impact areas which are set out in the policy.

3. **DETAIL**

Statement of Licensing Policy:

- 3.1 In reviewing and adopting a Statement of Licensing Policy, the Licensing Authority and in turn the Council when it is asked to approve the policy, must have regard to the following fundamental principles:
 - All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to the Statutory Guidance and give appropriate weight to the views of consultees.
 - While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.
 - Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
 - Statements of policy should make clear that:

- ❖ licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
- ❖ conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.
- A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

3.2 In summary, it is proposed to consult on the following proposed amendments to the policy:

- maintain the four existing cumulative impact areas listed within the policy.
- To propose a new, fifth cumulative impact area in part of the borough that is currently identified as a 'special stress area'.
- To remove the "special stress areas" referenced in the policy
- To make other necessary amendments/updates to the policy, for example in respect of the Council's obligations under the Equality Act 2010 and further administrative updates, for example in respect of the borough population and also to reflect any amendments to statutory guidance or national policy that require amendments to the local policy.
- To make administrative updates to the policy document including to reflect current committee and board names and responsibilities, relevant officer titles and related matters.

Cumulative Impact Areas (CIA's):

3.3 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. They do not relate to existing licenses granted.

3.4 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 3.5 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.
- 3.6 CIAs may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to Temporary Event Notices (TEN's).
- 3.7 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Members will also be aware that it is only when an application has drawn relevant representations and been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered. Where no relevant representations have been received, the Sub-Committees ability to consider the matter is not engaged.
- 3.8 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The steps to be followed in considering whether to publish a CIA are summarised below.
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring
 - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).

- For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
 - the reasons why it is considering publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
- Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.
- After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.

3.9 If, having consulted, the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. The licensing authority must also at this stage publish any other material change to the assessment. For example, if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.

3.10 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel or shop and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

3.11

Review of Current CIA's:

- 3.12 All four current CIA's relate specifically to premises that are permitted to sell alcohol for consumption 'Off' the premises – Off Licenses. In April 2018, just after the Council published its current policy, the Government gave cumulative impact a statutory footing by incorporating it into the legislation. Any decision to introduce a CIA must be evidence based and a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described. That evidence is then used to justify the statement that it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.
- 3.13 When Cumulative Impact Assessments were given statutory status on 6 April 2018, there were no transitional or grandfather provisions applying to cumulative impact zones already in existence which had been introduced in line with the then Statutory Guidance. They remained in place as part of the Council's Statement of Licensing Policy but it was recommended in current guidance that they be reviewed within a maximum of three years following the legislative change or when the licensing policy was next reviewed, whichever was the sooner. The requirement to consider and review any Cumulative Impact Areas in place also forms part of the statutory requirements on the Council. At their meeting on 17 March 2021, the Council's Licensing Committee considered a report and determined that the four existing cumulative Impact Area's be retained in the Licensing Policy, pending the statutory review of the Statement of Licensing policy that would take place in 2022.
- 3.14 As part of the review process, the Council has gathered data relating to alcohol use from Public Health and Violence Reduction Network officers and this is set out in Appendix 2. Cognisant of the fact that there is no Public Health licensing objective in the Licensing Act 2003, the data needs to be assessed in respect of its relevance to the four licensing objectives in the Act. Accordingly, in precis -
- Data shows that there is a strong relationship between alcohol and a range of crimes including violence.
 - Graphs illustrate the volume and harm of alcohol related crime in the borough over the last 5 years. Volume has shown a steady increase. Harm figures have fluctuated but as can be seen, 2021/22 gave the highest figures over the last five years for both alcohol volume and harm.
 - The data shows that over 60% of alcohol related crime volume committed in the borough in 2021/22 was violence against the person. In relation to alcohol related crime harm in the borough in 2021/22, over half of all committed were sexual offences and around a third was violence.
 - Alcohol related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon. Alcohol related crime flagged as domestic has increased year on year over the past five years with 40% of all crimes being domestic in 2021/22.
 - That said, the proportion of alcohol related crime harm flagged as domestic committed over the last five years has stayed fairly static at 27%.
 - PHE analysis of alcohol sales data has shown a positive association at local authority level between off sales and alcohol specific hospital admissions.

- 3.15 In respect of cumulative impact area 1 (Along the Brighton Road; South End; High Street, George Street corridor) members will notice that this corridor flows through one of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through the area in the borough with the highest rates in 2021/22 for both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through one of the two areas in the borough with the highest volume of ASB incidents in 2021/22.
- 3.16 In respect of cumulative impact area 2 (Along the London Road/Streatham High Road corridor) members will note that this corridor flows through areas with high numbers of off licenses per population and also one of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through two areas with high rates in 2021/22 for both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through one of the two areas in the borough with the highest volume of ASB incidents in 2021/22.
- 3.17 In respect of the cumulative impact area 3 (Along the Brigstock Road and High Street, Thornton Heath corridor) members will note that this corridor abuts two of the areas in the borough with the highest density of off licenses per population. It will also be noted that this corridor flows through areas that in 2021/22 had high levels of both alcohol related crime volume and harm. In addition, it can be seen that this corridor flows through two areas with high volumes of ASB incidents in 2021/22.
- 3.18 In respect of the cumulative impact area 4 (Along the length of Central Parade, New Addington) members will notice that that this corridor flows through one of the areas in the borough with the highest density of off licenses per population. Members will also note that in 2021/22, this area had lower (though not the lowest in the borough) levels alcohol related crime volume and harm and anti-social behaviour than the three preceding CIA's.
- 3.19 Members will note that the four current CIA's saw the highest volume of alcohol related offences in 2021/22 in the last five years. This was measured by identifying the number of offences in a 150m area of the CIA's. It is considered that the above referenced problems are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described which sell alcohol for consumption off the premises and accordingly consultation on these four areas being cumulative impact areas in future is suggested so that the Council is able to determine whether or not it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.
- 3.20 In light of the above and the contents of Appendix 2, it is proposed that the Council, as licensing authority undertakes a six week consultation on a review of the existing policy which will also include a proposal that the four existing current cumulative zones be retained in respect of sales of alcohol from off licenses, supermarkets and shops for consumption off the premises. For members ease of reference, maps showing the four areas are set out at Appendix 3.
- 3.21 In terms of impact of the current CIA's, the below table sets out the number of applications received in the current CIA areas since the last Statement of

Licensing Policy Review. Where relevant representations were received on the applications in the CIA's the table also sets out the volume of those applications which were refused because of the CIA's and which were granted. Members will recall that it is only when an application has drawn relevant representations and has therefore been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered however, even in cumulative impact areas, each application must still be considered on its individual merits and against the evidence presented at the hearing. Where no relevant representations have been received, the Sub-Committees' ability to consider the matter is not engaged and the numbers are therefore not reflected in the below.

CIA Area	No. of Applications Received in area for "off" sales February 2018 – July 2022	No. of Applications with objections refused by licensing sub committee	No. of Applications with objections granted by licensing sub committee
Along the Brighton Road; South End; High Street, George Street corridor	7	0	0
Along the London Road/Streatham High Road corridor	7	1	1
Along the Brigstock Road and High Street, Thornton Heath corridor	2	0	0
Along the length of Central Parade, New Addington	4	1	1
Total:	20	2	2

Cumulative Impact Area: proposed new area: High Street and Portland Road, South Norwood:

3.22 Members will recall that the current statement of licensing policy at paragraph 4.34 identifies two special stress areas where there has been concern about the number of shops licensed to sell alcohol for consumption off the premises and the impact they may be having on crime and disorder but in respect of which there was insufficient data to warrant introducing a CIA. Those areas are as follows –

- High Street & Portland Road, South Norwood
- Lower Addiscombe Road

3.23 Between February 2018 and July 2022, the Licensing Authority has received 9 applications for premises which sell alcohol off the premises in this area and this

has led to a net increase in the number of premises selling alcohol for consumption off the premises by 2 premises. In this area, there are currently 30 premises which are classified as shops, supermarkets or off licenses and are authorised to sell alcohol off the premises, with 10 being on High Street and 20 on Portland Road.

- 3.24 Having regard to Appendix 2, members will notice that in the High Street & Portland Road area of South Norwood, both alcohol related crime volume and alcohol related harm were at their highest in that area in 2021/22 over the previous five year period, with significant increases in both volume and harm between 2019/20 and 2021/22. Two of the licensing objectives in the Act are the prevention of crime and disorder and the prevention of public nuisance.
- 3.25 In light of the increased alcohol related crime volume and alcohol related harm, It is considered that the above referenced problems are potentially being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described which sell alcohol for consumption off the premises. Accordingly, consultation on the area detailed in paragraph 3.25 below being a future cumulative impact area is suggested so that the Council is able to determine whether or not it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives under the Act.
- 3.26 In light of the above and the contents of Appendix 2, it is recommended that the consultation include a proposed new cumulative impact area of High Street, South Norwood from the junctions with Oliver Grove and Station Road to the junction with Lancaster Road and Portland Road from the junction with High Street to the junction with Spring Lane, Woodside in respect of sales of alcohol off the premises from off licenses, supermarkets and shops on the basis that the current evidence indicates that it experiences high levels of alcohol related crime and alcohol related hospital admissions and the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough. For Members' ease of reference, a map showing the proposed area is set out at Appendix 4.
- 3.27 In light of the above, it is also proposed that the two 'special stress areas' listed at 3.20 above be removed from the Licensing Policy document. It is proposed that one is considered as a potential a cumulative impact area as part of the consultation but because the data does not suggest similar or ongoing issues in the other named stress area, that this area be removed from the policy document and that references to special stress areas are no longer included in the policy.

4. CONSULTATION

- 4.1 It is proposed that the Consultation in respect of the review of the Statement of Licensing Policy, the review of the existing Cumulative Impact Areas and the consultation regarding the proposed introduction of an additional Cumulative Impact Area be undertaken together and for a 6 week period.
- 4.2 Section 5(3) of the Licensing Act 2003 specifies which parties must be consulted with as part of any review of a Statement of Licensing Policy or in respect of

cumulative impact area reviews or the introduction of new cumulative impact areas and these are –

- the chief officer of police for the licensing authority's area
- the fire and rescue authority for that area
- each Local Health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.3 In terms of selecting “such other persons” as are referenced in paragraph 4.2 above, it is proposed to consult residents associations, relevant trade associations, all Croydon ward councillors and the three borough MP’s. In addition, the consultation will be published on the Council’s website and through relevant social media via the Council’s Comms. Team.

4.4 The timetable leading up to the Licensing Policy being republished is as follows:

DATE	ACTION
26.09.2022	Licensing Committee
28.09.2022	Proposed commence consultation
09.11.2022	Deadline for consultation responses
28.11.2022	Licensing Committee
14.12.2022	Full Council

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report, subject to the risks at 2 & 3 below. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

Decisions of the Licensing Sub Committee, the substantive licensing committee and full Council may be subject to appeal and/or Judicial Review.

3 Risks

An appeal against a decision of the Licensing Sub-Committee or a Judicial Review of the application and/or policy making processes, including a

Judicial review in respect of the Statement of Licensing Policy or adoption or retention of cumulative impact areas may present financial risks to the Council with regard to undertaking litigation and any award of costs against it which might arise as a result.

4 Options

There are no other options available to the Council. The Council is required to review its statement of Licensing Policy in the statutory time frame. In addition, the Council is required to review existing Cumulative Impact Areas to consider whether or not it is of the view that they ought to be retained. The Council has the power to consider the introduction of further cumulative impact areas subject to the necessary evidence.

5 Savings/Future Efficiencies

None identified

(Approved by: Alan Layton, Head of Finance)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003 ("The Act"). Cumulative Impact Areas and arrangements form part of the Council's Statement of Licensing Policy.
- 6.2 The Licensing Act 2003 requires the determination and publication of a Statement of Licensing Policy for each successive five-year period. The current policy expires in 2023. The Council must keep the policy under review during the five-year period and make such changes as are considered necessary.
- 6.3 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be determined by full Council after consultation with prescribed bodies. These prescribed bodies are detailed in section 4 above.
- 6.4 The views of all the above persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.
- 6.5 The Act requires that a review of the Cumulative Impact Assessment is undertaken within a three year period either following the introduction of the statutory provisions pertaining to cumulative impact, which came into force on 6 April 2018 or within three years of previously introducing a cumulative impact assessment. In undertaking the required review the Licensing Authority must consult the parties identified in Section 5(3) of the Act (as detailed in section 4 in the report above) and provide them with the information required in section 5A(6) in other words:
- a) the reasons why it is considering publishing a cumulative impact assessment;

b) a general indication of the part or parts of its area which it is considering describing in the assessment;

c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

6.6 If the outcome of the consultation indicates that there needs to be an amendment or update to the Statement of Licensing Policy, this must be referred to Full Council for consideration and determination.

6.7 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy and in undertaking any reviews of existing cumulative impact areas or seeking to remove or introduce new cumulative impact areas. The latest version of the Statutory Guidance was issued by the Home Office in April 2018.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of, Director of Legal Services and Monitoring Officer

7. HUMAN RESOURCES IMPACT

7.1 The workload associated with the review of the Licensing Policy will be undertaken within existing resources.

8. EQUALITIES IMPACT

8.1 The council has an obligation under the Public Sector equality duty, which is to eliminate unlawful discrimination, to advance equality of opportunity and to build better relationships between groups with protected characteristics. All negative impacts associated with this proposal have been identified and mitigated for groups with protected characteristics in the EQIA.

Approved by: Gavin Handford (Director of Policy, Programmes and Performance)

9. ENVIRONMENTAL IMPACT

9.1 The provisions of the Licensing Act 2003 include consideration of the environmental impact of licensed premises.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 Three of the four licensing objectives in the Act relate to the prevention of crime and disorder and public nuisance and the protection of children from harm. The licensing policy is a document that the Council, as licensing authority, should have regard to when deciding licence/certificate applications.

11. DATA PROTECTION IMPLICATIONS

11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

Whilst personal data may be processed as part of the consultation, the information will not be shared any further. A DPIA is mandatory where data processing “is likely to result in a high risk to the rights and freedoms of natural persons”. In this instance the information that may be processed has been categorised as low risk and therefore a DPIA is not required.

(Approved by: Steve Iles, Director of Sustainable Communities)

CONTACT OFFICER: Michael Goddard, Head of Environmental Health,
Trading Standards and Licensing
Tel. Ext. 28259

BACKGROUND DOCUMENTS: None

APPENDICES:

Appendix 1: Current Statement of Licensing Policy

Appendix 2: Preliminary evidence regarding potential cumulative impact for consultation

Appendix 3: Maps of Current Cumulative Impact Areas

Appendix 4: Map of proposed Cumulative Impact Area 5