

Notice of:	EXECUTIVE
Decision Number:	EX3/2021
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member	Councillor Jim Hobson, Cabinet Member for Environment and Climate Change
Date of Meeting:	25 January 2021

REVIEW OF STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

1.0 Purpose of the report:

1.1 To consider the proposed Statement of Licensing Policy and associated Cumulative impact assessment including the recommendations of the Licensing Committee.

2.0 Recommendation(s):

2.1 To note the one representation received attached at Appendix 4a.

2.2 To recommend Council to approve the proposed Statement of Licensing Policy, attached at Appendix 4b to the Executive report, for the 5 years to 10 February 2026.

2.3 To recommend Council to approve Cumulative Impact Assessment, attached at Appendix 4c to the Executive report, for the 3 years to 10 February 2024.

3.0 Reasons for recommendation(s):

3.1 The Council is under a duty to review its Statement of Licensing Policy every five years. The attached statement of policy has been subject to consultation in line with legislative requirements. The statement of policy is in line with the Secretary of State's statutory guidance and the Council's priorities.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 The Council is under a duty to review its statement of licensing policy every five years. If this review does not take place, the Council would not have a valid policy to inform its decision-making on licensing applications.

An alternative would be not to publish a Cumulative Impact Assessment. This would reduce the ability of the Licensing Committee to refuse relevant applications in areas deemed saturated with licensed premises.

5.0 Council priority:

5.1 The relevant Council priority is: "The economy: Maximising growth and opportunity across Blackpool".

6.0 Background information

6.1 The Council, as licensing authority is required by section 5 Licensing Act 2003 to determine its policy with respect to the exercise of its licensing functions for a five-year period and publish a statement of that policy.

6.2 The existing policy was reviewed and the following changes were proposed:

2. Blackpool Profile (page 5)

Reference made to the Council Plan and the vision for Blackpool. References to other policies and strategies updated

4.2 Public Space Protection Order (page 13)

New reference to the Town Centre and Promenade PSPO which prohibits the consumption of alcohol in any public place.

4.4 Licensing hours (page 14)

Removal of framework of core hours which had no evidential basis to support it. This is replaced by a statement that there is no general presumption in favour of lengthening licensing hours with a presumption that no off-licences within the Off-Licence Cumulative Impact Area will be permitted to sell alcohol before 7.00 a.m.

4.6 - Cumulative Impact Assessments (pages 16 -19)

This section has been completely re-written to incorporate the new concept of Cumulative Impact Assessments and must be read in conjunction with the proposed Cumulative Impact Assessment.

6.3 In April 2018, the Police and Crime Act 2017 introduced section 5A Licensing Act 2003 replacing the previous cumulative impact (saturation) policies with cumulative impact assessments. A cumulative impact assessment (CIA) may be published where a licensing authority considers that the number of relevant licences in respect of premises in one or more parts of its area is such that it would be inconsistent with the authority's duty to promote the licensing objectives to grant any further licences in that area.

Evidence has been gathered in partnership with the Police and Public Health to review the areas covered by the existing saturation areas and confirm that there was justification for publishing Cumulative Impact Assessments. A draft cumulative assessment was prepared based on the gathered evidence.

The Licensing Committee at its meeting on 25 February 2020 approved a formal period of consultation as required by the legislation on the draft revised Statement of Licensing Policy and the draft cumulative impact assessment.

The proposed period of consultation was initially delayed due to the COVID 19 lockdown. A period of consultation did however take place between the 13 November 2020 and 8 January 2021. One response was received to the consultation relating to the length of time licence holders should be required to retain CCTV images. No changes to the draft policies are proposed as a result of the consultation response.

The Licensing Committee met to consider the proposed licensing policy and cumulative impact assessment on 19 January 2021. Their recommendation to approve the updated Statement of Licensing Policy and Cumulative Impact Assessment was therefore reported to the Executive at the meeting.

6.4 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 Appendix 4a – Consultation comment received
Appendix 4b - Proposed Statement of Licensing Policy
Appendix 4c – proposed Cumulative Impact Assessment

8.0 Financial considerations:

8.1 There are no financial considerations in approving this policy.

9.0 Legal considerations:

9.1 The Council is under a statutory duty to review its Statement of Licensing Policy every five years.

10.0 Risk management considerations:

10.1 There are no risk management considerations.

11.0 Equalities considerations:

11.1 There are no equalities considerations associated to this policy review.

12.0 Sustainability, climate change and environmental considerations:

12.1 There are no sustainability, climate change or environmental considerations.

13.0 Internal/external consultation undertaken:

13.1 Consultation as required by the Licensing Act 2003 has taken place and the Licensing Committee has had sight of the responses received when considering the proposed policy.

14.0 Background papers:

14.1 Guidance issued by the Secretary of State under Section 182 Licensing Act 2003.
Statement of Licensing Policy 2015

15.0 Key decision information:

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 14/2020

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 15 January 2021 Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Executive decision:

19.1 The Executive resolved as follows:

1. To note the one representation received attached at Appendix 4a to the Executive report.
2. To recommend Council to approve the proposed Statement of Licensing Policy, attached at Appendix 4b to the Executive report, for the 5 years to 10 February 2026.
3. To recommend Council to approve Cumulative Impact Assessment, attached at Appendix 4c to the Executive report, for the 3 years to 10 February 2024.

20.0 Date of Decision:

20.1 25 January 2021

21.0 Reason(s) for decision:

21.1 The Council is under a duty to review its Statement of Licensing Policy every five years.

The statement of policy has been subject to consultation in line with legislative requirements. The statement of policy is in line with the Secretary of State's statutory guidance and the Council's priorities.

The decision is in line with the recommendation of the Licensing Committee from its meeting on 19 January 2021.

22.0 Date Decision published:

22.1 26 January 2021

23.0 Executive Members in attendance:

23.1 Councillor L Williams, in the Chair

Councillors Benson, Brookes, Campbell, Farrell, Hobson, Kirkland, Smith and Taylor

24.0 Call-in:

24.1

25.0 Notes:

25.1