

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting	25 February 2020

REVIEW OF STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

1.0 Purpose of the report:

- 1.1 To consider approving for consultation the draft revised Statement of Licensing Policy issued under the Licensing Act 2003 and associated cumulative impact assessment.

2.0 Recommendation(s):

- 2.1 Subject to any amendments the Committee may wish to make, to authorise an eight-week consultation on the draft policy (attached at Appendix 3a) and proposed cumulative impact assessment (attached at Appendix 3b).

3.0 Reasons for recommendation(s):

- 3.1 The Council, as Licensing Authority is under a duty to review its statement of licensing policy every five years. The last review took place in 2015. The revised policy must take effect by 31 July 2020.

Previous versions of the policy have contained special saturation policies covering the town centre (for on-licensed premises) and the Wards of Bloomfield, Talbot, Claremont and Victoria (for off-licences). The Police and Crime Act 2017 has introduced a new s5A Licensing Act 2003 replacing these special policies with a cumulative impact assessment.

Following consultation, the draft policy and cumulative impact assessment along with relevant consultation responses would be considered by the Licensing Committee for recommendation to Executive for recommendation to Council for formal adoption.

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| 3.2a | Is the recommendation contrary to a plan or strategy adopted or approved by the Council? | No |
| 3.2b | Is the recommendation in accordance with the Council's approved budget? | Yes |

3.3 Other alternative options to be considered:

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 with effect from 1 August 2020 to inform its decision-making on licensing applications.

A further 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.

4.0 Council Priority:

4.1 The relevant Council priority is: “The economy – maximising growth and opportunity across Blackpool”.

5.0 Background Information

5.1 Statement of Licensing Policy

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. The Council published its current policy in July 2015.

5.2 A review of the current policy has resulted in a revised draft (Appendix 3a). Where areas in the draft are highlighted these include dates that will be completed before publication. While many changes are purely cosmetic, the main amendments to the policy are as follows:

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 Public Space Protection Order 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.

5.3 Cumulative Impact Assessment

The statutory guidance issued under section 182 Licensing Act 2003 introduced the concept of cumulative impact/saturation. This has been an important tool for licensing authorities as it created a presumption of refusal of applications in an area covered by such a policy unless the applicant could demonstrate that their application would not add to the existing cumulative impact. In areas not covered by such a policy, there is a presumption of granting an application unless those making representations can satisfy the Licensing Committee that the Licensing Objectives will be undermined.

5.4 Currently the Council has two saturation areas. The town centre area created in 2007 relates to premises licensed for the sale of alcohol. In 2015, the Council extended this policy to cover premises offering provision of late night refreshment (late night takeaways). The second area, created in 2009, covers the Wards of Bloomfield, Claremont, Talbot and Victoria. This second saturation area only covers applications for licences for the sale of alcohol for consumption off the premises.

5.5 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.

5.6 The cumulative impact assessment must identify the area(s) covered by the assessment, the type of premises (if relevant) and the type of licensable activity. The assessment must also set to the evidence relied upon to support the decision to publish a cumulative impact assessment. The evidence underpinning a cumulative impact assessment should generally be sufficient to refuse an application.

5.7 Before publishing a cumulative impact assessment, the Licensing Authority must consult with the following:

- Police
- Fire and Rescue Authority
- Public Health
- Representatives of premises licence and club premises certificate holders issued by the authority
- Representatives of personal licence holders issued by the authority
- Such other persons as the licensing authority considers representative of businesses and residents in its area.

Once published an assessment, the Council must review it within three years.

5.8 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.

5.9 Following this review the Council will consider approving the publication a cumulative impact assessment. The draft cumulative impact assessment is attached at Appendix 3b. Whilst the area covered by the town centre assessment is broadly similar to the town centre saturation area, amendments have been made to the off-licence area to remove the majority of Victoria Ward, but to include parts of Brunswick and Waterloo Wards.

5.10 Does the information submitted include any exempt information? No

5.11 **List of Appendices:**

Appendix 3a – draft revised statement of licensing policy

Appendix 3b – draft cumulative impact assessment

6.0 Legal considerations:

6.1 The Council is under a statutory duty to review its Statement of Licensing Policy every five years. The last review took place in 2015.

7.0 Human Resources considerations:

7.1 There are no human resource considerations.

8.0 Equalities considerations:

8.1 No equalities considerations have been identified.

9.0 Financial considerations:

9.1 There are no financial considerations.

10.0 Risk management considerations:

10.1 There are no risk management considerations

11.0 Ethical considerations:

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

12.0 Internal/ External Consultation undertaken:

12.1 Informal consultation has already taken place with Public Health and the Police Licensing Team to inform the content of the policy and identify the areas to be subject to the cumulative impact assessment.

If approved the draft Statement of Licensing Policy and associated cumulative impact assessment will be subject to a formal period of consultation.

13.0 Background papers:

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