



Full Council
23 November 2015

**Report from the Director of
Regeneration and Growth**

For action

Wards Affected:
ALL

New Statement of Licensing Policy

1.0 Summary

- 1.1 The Licensing Act 2003 ('the Act') requires that the Council determine and publish a Statement of Licensing Policy ('Policy'), at least once every 5 years, setting out its policies with respect to the exercise of its licensing functions.
- 1.2 The Council's current Policy came into effect on 7 January 2011 and will expire on 6 January 2016.
- 1.3 On 26 October 2015 the Alcohol & Entertainment Licensing Committee agreed the draft Policy.

2.0 Recommendations

- 2.1 That Members approve the draft Policy.
- 2.2 That Members note the intention to carry out a further review of the Council's Policy next year with the aim of formulating practical policies which respond to local issues, assist decision making and facilitate the achievement of the Council's objectives and vision.

3.0 Detail

- 3.1 The Council in its role as a Licensing Authority under the Act has a duty to determine, publish and keep under review its Policy which has a five year shelf-life but can be replaced at any time during that five year period. Before determining its Policy, the Council has a statutory duty to consult the persons and authorities specified in section 5(3) of the Act. The approval of the Policy is a Full Council function.
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- 3.2 Once approved, the Council's new Policy will contribute to the fundamental themes and priorities in the Brent Borough Plan (2015-19). It adopts a balanced approach for both residents and businesses. It is written as a useful guide to all users.
- 3.3 An evidence-based approach was adopted during the review of the current Policy, which included night-time observations for all town centre followed by analysis of the following datasets:
- crime reports (all crime, alcohol related crime, violent crime & sexual offences):
 - health (alcohol related hospital admissions, alcohol related illnesses, ambulance call-outs and A&E attendances);
 - licensed premises (licences held, revoked and refused).
- 3.4 Seven town centres were the focus of particular consideration with regards to the potential for adoption of special policies including cumulative impact zones which target a significant number of licensed premises concentrated in one area and the potential impact of these premises on the promotion of the licensing objectives. These town centres were:
- Ealing Road
 - Harlesden
 - Kilburn
 - Kingsbury
 - Neasden
 - Wembley
 - Willesden
- 3.5 Issues and options were identified for each of the seven town centres.

Consultation

- 3.6 To assist in formulating the draft Policy, informal consultation was undertaken with all elected Members, licensees, the Metropolitan Police, Director of Public Health, Community Safety, Environmental Health, residents associations and a variety of council officers.
- 3.7 Stakeholders were invited to take part in the early stage consultation exercise in order to gather views and perceptions about:
- problematic areas for alcohol supply
 - alcohol consumption
 - groups at potential risk from alcohol
 - potential for influence of alcohol on crime
 - potential influence of alcohol on health
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- scope for declaring cumulative impact zones
- any other relevant information or issues.

Stakeholders included Members, licensees, licensing agents, residents, council officers, and community groups.

The following responsible authorities designated by the Act as well as other key stakeholders were consulted:

- the Metropolitan Police
- Community safety
- Public Safety
- Public Health
- Fire Brigade
- Child Safeguarding Team
- Environmental Health
- Trading Standards
- Planning

As a consequence a number of comments and suggestions were incorporated into the draft policy.

- 3.8 A four week public consultation was carried out in August / September 2015 for the issues and options identified for each of the seven town centres, including an all Member consultation meeting on 10 September 2015.
- 3.9 54 responses were received to the consultation. 75% of the respondents either strongly agreed or agreed with the options proposed for each of the town centres. Some respondents had concerns regarding sustainability of enforcement by the Licensing Authority and the Police. At the informal Member liaison meeting on 10 September 2015 there was broad support for the direction of travel emerging from the early stages of the policy review.

Policy approach

3.10 The key changes in the proposed Statement of Licensing Policy are:

- the inclusion of health as a separate appendix. Although, the Director of Public Health is a responsible authority under the Licensing Act 2003, health is not a licensing objective.
 - changes in legislation namely: Police Reform and Social Responsibility Act 2011 and the revised guidance issued under section 182 of the Act.
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Consultation

- 3.11 Public consultation on the resulting draft Policy commenced on 5 October 2015 and ended on 30th October 2015. No further comments were received during this consultation exercise. The draft Policy is attached at Appendix 1 with track changes which highlight the changes made to the Policy. The changes make further improvements to the Policy so that it is legally and factually up to date, accurate and clear.
- 3.12 Although the draft Policy is informed by the research undertaken by the Council, in the available time, it has not been possible to formulate practical policies which respond to the local issues highlighted by the research or the Council's aims, objectives and vision or possible change in approach arising from the Regulatory Services review currently underway. The Council's Policy has the potential to determine the prescription for resolving such issues. In so doing the Policy would inform decision making in a much more meaningful way and provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).
- 3.13 There is also the potential to set out the Council's standards that operators are expected to achieve and express what the Council has to say about the provision of licensable activities in respect of location, hours and conditions.
- 3.14 In addition, amendments to the Act made by the Deregulation Act 2015, which are due to come into force once regulations are made, will give licensing authorities powers to designate certain geographical areas, types of premises or time periods as exempt from the late night refreshment licensing requirements.
- 3.15 As Members will appreciate, deciding whether or not the Council should exercise these new powers once they come into force will require a careful and strategic assessment of their impact on the Council's aims and objectives and indeed the licensing objectives.
- 3.16 Members are asked to note therefore that the work aimed at developing and improving the Council's Policy will continue even after the new Policy has been adopted and that Members, as well as all other key stakeholders, will be given the opportunity to inform the review and its outcomes.

4.0 Financial implications

- 4.1 There are no financial implications.

5.0 Legal implications

- 5.1 These are set out in the body of the response.

6.0 Diversity and equality implications

- 6.1 An equality assessment is attached at Appendix 1.
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- 6.2 The equality assessment suggests that there is no likely impact around race, gender, age, disability, faith, sexuality and sexual orientation.
- 6.3 However, equality assessment is constrained by data limitations including the absence of data on the protected characteristics of licence applicants, licensees and licensees whose licences are subject to reviewed or enforcement actions.
- 6.4 A new licensing database has been purchased and will come into use by 2016, and this will enable the council to start recording protected characteristics for licensees. This should enable the council to take better account of equalities issues at the time of the next policy review.

7.0 Staffing/Accommodation implications

- 7.1 There are none specific to this report.

Background papers

- 2011 Statement of Licensing Policy - <https://www.brent.gov.uk/business/licences/>
- Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>
- Police Reform and Responsibility Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/13/contents>
- Section 182 guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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