

	Cabinet 12 November 2024
	Report from the Corporate Director of Neighbourhoods and Regeneration
	Lead Member - Cabinet for Environment and Enforcement (Councillor Krupa Sheth)
Statement of Licensing Policy	
Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix 1: Statement of Licensing Policy
Background Papers:	Two <ul style="list-style-type: none"> • Licensing Policy Consultation responses • Equality Assessment (Please note these have been published as a separate supplementary pack to accompany the main Cabinet agenda)
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1.0 Executive Summary

- 1.1. The council in its role as a Licensing Authority under the Licensing Act 2003 has a duty to determine, publish and keep under review its Statement of Licensing Policy ('Policy') which has a five-year shelf-life but can be replaced at any time during that five-year period.
- 1.2. The current Policy is due to expire on the 5 January 2025. The proposed new Licensing Policy is attached at Appendix 1. The policy was last reviewed in January 2020; therefore, it must be reviewed before January 2025.
- 1.3. The Statement of Licensing Policy is a document that sets out our approach to issuing licences for the sale of alcohol and late night refreshment, the

management of those licences and the expectations the council has of licensees.

- 1.4. Since April 2018, when determining or revising its Licensing Policy, an authority must consider any Cumulative Impact Assessments (CIAs) it has published. A licensing authority can publish a CIA to reduce the number of or types of applications granted in an area where there is evidence that the area is having a cumulative impact and causing problems which undermine the licensing objectives. Where a CIA is already in operation, this must be reviewed not less than every three years.
- 1.5. The proposed draft Policy introduces 32 specific policies including twelve cumulative impact zones where street drinking and alcohol related crime exist to prevent growth of more off-licences The Policy also supports a 24-hour night time economy in Wembley and Kilburn to facilitate enhancement of leisure and entertainment functions with appropriate safeguards.

2.0 Recommendation(s)

- 2.1 That Cabinet comment on and then note the draft revised Statement of Licensing Policy (5 January 2025 – 4 January 2030) at Appendix 1; and
- 2.2 In order to fulfill legal requirements, that Cabinet agree to refer that the draft revised Statement of Licensing Policy to Full Council in November 2024 for formal adoption.

3.0 Detail

3.1 Cabinet Member Foreward

- 3.1.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a Statement of Licensing Policy every five years.
- 3.1.2 The council must ensure that an appropriate Statement of Licensing Policy is in place as required by statute and will support the following council policies and strategies:
 - London Borough of Brent Borough Plan 2023-27, Prosperity and Stability in Brent
 - London Borough of Brent Borough Plan 2023-27, A Healthier Brent
 - London Borough of Brent Borough Plan 2023-27, Thriving Communities

3.2 Background

- 3.2.1 The Licensing Act 2003 (“the Act”) requires that the council determine and publish a Policy at least once every five years, setting out its policies in order to exercise its licensing functions.

3.2.2 The council's current Policy came into effect on 6 January 2020 and is due to expire on 5 January 2025.

3.2.3 An evidence-based approach was adopted during the review of the current Policy, which included analysis of the following datasets:

- crime reports (all crime, alcohol related crime, violent crime & sexual offences);
- health (alcohol flagged data);
- licensed premises (licences held, reviewed, refused and revoked).

Furthermore, views from responsible authorities such as the Police, Nuisance Control Team etc. were sought prior to formulating the Policy.

3.2.4 The Licensing Policy provides transparency for everyone including local residents and businesses, who will be able to refer to the policy when making representations, and applicants when preparing their premises licence applications. The government recommend that the policy should also describe how the Licensing Authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and licence holders.

3.2.5 The draft Policy introduces 32 specific policies as well as measures that promotes the four licensing objectives; namely prevention of crime & disorder, prevention of public nuisance, public safety and protection of children from harm. The policies would inform decision making in a meaningful way as well as provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).

3.2.6 The draft Policy has been updated to apply changes in laws and the Section 182 guidance, including the updates of pavement licences, a link to immigration status documentation and inclusion of a policy to prepare for 'Martyn's Law'.

3.2.7 New policies have been included to outline expectations in the following areas:

- a. Addressing risks and harms to women and vulnerable people in the night time economy;
- b. Responding to the proposed Martyn's Law by outlining event and large venue safety and risk assessment;
- c. Highlighting expectations for 'dark kitchens' and their premises to improve the operation and oversight of alcohol sales.
- d. Ensuring licenses are aware of their responsibilities in relation to drink spiking.
- e. Policies outlining expectations on delivery services and the dispersal of patrons from premises.

- 3.2.8 The policy on a voluntary Minimum Unit Price was removed from the draft statement, as it had not been used and other approaches had positive impact in the area of low cost, high strength alcohol sales. This has, however, now been reintroduced in the statement as a result of the public consultation.
- 3.2.9 The Policy still includes the twelve cumulative impact zones street drinking and alcohol related crime exist to prevent growth of more off-licences.
- 3.2.10 In addition, the Policy continues to support the Mayor of London's vision for London as a 24-hour City and to encourage the development of London as a vibrant, diverse, cultural city with a Night Time Economy that is of global significance. The Policy supports 24-hour night time economy in Wembley and Kilburn in order to facilitate an enhancement of leisure and entertainment functions and the night time economy, with appropriate safeguards.
- 3.2.11 The Policy sets out the council's standards that operators are expected to achieve and address issues that licensable activities may cause in relation to location of premises, hours of operation etc.
- 3.2.12 Before determining the Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Licensing Act 2003. As is good practice, the Licensing Authority has consulted widely and not limiting the consultation to the persons listed in section 5(3) of the Act.
- 3.2.13 The work aimed at developing and improving the council's Policy will continue even after this draft Policy has been adopted. The cumulative impact zones will need to be reviewed and re-evaluated within 3 years. In line with this Policy, all the key stakeholders and members will be given the opportunity to inform the review of any future Policy and its outcomes.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 Before determining the Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Licensing Act 2003. As is good practice, the Licensing Authority has consulted widely and not limiting the consultation to the persons listed in section 5(3) of the Act.
- 4.2 In line with the Constitution, the Cabinet Member for Environment and Enforcement gave approval for consultation on Draft Statement of Licensing Policy on 22 July 2024.
- 4.3 A ten-week consultation has been undertaken which ended on 13 October 2024.
- 4.4 Persons consulted included, Chief Police Officer, London Fire Brigade, Director of Public Health, local premises licence holders, club premises licence certificate holders as well as bodies representative of businesses, residents, Planning, Trading Standards, Children Safeguarding, Public Safety, Noise Team, Licensing Authority and the Home Office.

- 4.5 The consultation took place online with respondents asked to complete a survey for the consultation. The online consultation received 13 responses and 7 additional responses were received directly by email.
- 4.6 The responses were mixed with roughly equal positive and negative answers and a higher level of no answer on maybe/not sure answers. Overall, the most positive responses were to the questions: does this contribute to the Brent vision and the contribution of the CIZs. The most negative responses were to the Policies on protecting vulnerable people and women in the night time economy and on addressing street drinking.
- 4.7 The questionnaire does not provide a clear indication either way in terms of the utility of the Statement of Licensing Policy. However, the expansion questions provided some key insights. These include:
- A concern in general in relation to the level of alcohol consumption and disorder in the borough, and concerns that enforcement is not addressing these issues effectively.
 - Concerns that the Policy relating to Women and Vulnerable People in the night time economy does not address LGBTQI+. It should be noted that the draft Policy does clearly note that LGBTQI+ communities are intended to be covered under this policy.
 - A desire for the voluntary Minimum Unit Price Policy to be reincluded.
- 4.8 The email responses focused primarily on the re-inclusion of Minimum Unit Price as a policy, and on the amendment of a number of minor matters and inclusions, as allowed for in Home Office guidance).
- 4.9 The residents that provided feedback are supportive of firmer measures to address alcohol related disorder, harms and nuisance in the borough, and that the primary means to do this are to reintroduce the voluntary Minimum Unit Price Policy and to support enforcement approaches to address concerns raised.

5.0 Financial Considerations

- 5.1 There are none arising from this report. Any cost associated with publishing this policy would be contained within existing budgets.

6.0 Legal Considerations

- 6.1 Under Section 5 (1) of the Licensing Act 2003 ('the Act') the council as the Licensing Authority is required to determine and publish its statement of policy in respect of exercising its functions under the Licensing Act 2003 at least once every five years. In this time period the policy must be kept under review. When preparing the policy the Council is required to have regard to the four statutory licensing objectives under Section of the Licensing Act 2003 which are: the

prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Licensing Authority also must consider the statutory guidance under Section 182 of the Licensing Act 2003.

- 6.2 Under Section 5A of the Act the Council is also required by review its Cumulative Impact Zone (CIZ) Assessment every 3 years. The effect of adopting a special policy of this kind would be to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact would normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 Page 4 of the Statement of Licensing Policy deals with equality matters.

- 7.2 An Equality Impact Assessment has been completed.

8.0 Climate Change and Environmental Considerations

- 8.1 None specific.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 None specific.

10.0 Communication Considerations

- 10.1 Consultation was publicised on the council website and through the usual communication channels.

Report sign off:

Alice Lester

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Regeneration