

## COUNCIL

10 DECEMBER 2019

### REPORT OF THE PORTFOLIO HOLDER FOR REGULATORY AND COMMUNITY SAFETY

#### ADOPTION OF THE PROPOSED LICENSING POLICY 2020 - 2023

#### EXEMPT INFORMATION

None.

#### PURPOSE

To seek Council approval and adoption of Tamworth's Statement of Licensing Policy 2020-2023 and Cumulative Impact Assessment 2020 – 2023 under the Licensing Act 2003.

#### RECOMMENDATIONS

It is recommended that:

1. Council approve and adopt the final amended version of Tamworth's Statement of Licensing Policy 2020 – 2023 and Cumulative Impact Assessment 2020 – 2023.
2. To undertake an initial review by Tamworth Borough Council Officers, as soon as possible, of the cumulative impact assessment, within the guidelines of policy.

#### EXECUTIVE SUMMARY

The current Statement of Licensing Policy expires in December 2019. In order for the Council to fulfil its statutory obligations under the Act, it is necessary to adopt a new policy before the end of December 2019. In addition a proposed Cumulative Impact Assessment in respect of the town centre area is also presented for approval and adoption.

At a meeting of the Licensing Committee on the 20 June 2019, Members considered a report on the consultation process due to commence to review the policy and the proposed cumulative impact assessment. The Borough Council has consulted widely on the review of its current statement of licensing policy and the cumulative impact assessment and a list of those consulted is attached as

**Appendix 1** to this report. A total of 10 responses were received which are summarised in the table at **Appendix 2**.

On the 22 August 2019 Members of the Licensing Committee were given the opportunity to contribute to the policy review. At a meeting of Licensing Committee on 21 November 2019 (Agenda item 4 refers), the Committee considered a draft version of Tamworth's revised statement of licensing policy and the cumulative impact assessment, incorporating all valid and relevant consultation responses and other amendments required to update the policy. At the meeting, Licensing Committee resolved to:

- a) Endorse the final amended version of Tamworth's Statement of Licensing Policy and the proposed Cumulative Impact assessment
- b) Refer the revised Statement of Licensing Policy and the proposed Cumulative Impact assessment to Cabinet and Council for approval and adoption
- c) Review as soon as possible the cumulative impact assessment within the guidelines of policy.

The revised policy and cumulative impact assessment were then considered by Members of the Infrastructure Safety & Growth Committee at their meeting on 25 November 2019 and referred to Cabinet for consideration on 28 November 2019.

To ensure that statutory deadlines for the publication of reports and agendas were met, this report was written prior to the meeting of Infrastructure Safety & Growth Committee and of Cabinet on 28 November 2019, therefore recommendations made by Infrastructure Safety & Growth Committee and the decision of Cabinet will be reported verbally to Council.

The proposed revised document is attached as **Appendix 3** to this report.

## **OPTIONS CONSIDERED**

Not applicable as this is a statutory process.

## **RESOURCE IMPLICATIONS**

There are no resource implications arising from this consultation process.

## **LEGAL/RISK IMPLICATIONS**

The Council is required by the Licensing Act 2003 to ensure that the policy is reviewed and updated.

## **EQUALITIES IMPLICATIONS**

A Community Impact Assessment has been undertaken in respect of the proposed revised licensing policy and cumulative impact assessment which is attached as **Appendix 4** to this report.



## **SUSTAINABILITY IMPLICATIONS**

Tamworth Borough Council's licensing policy and the proposed cumulative impact assessment will form a central part in the support, control and regulation of the economy, in particular evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with the appropriate use of the review process can significantly contribute towards crime reduction and enhance Tamworth's reputation as a place to live and visit.

## **FINANCIAL IMPLICATIONS**

The costs of consultation and publication of the revised policy will be met from existing budgets.

## **BACKGROUND**

The introduction of new legislation for example the Deregulation Act 2015; the Immigration Act 2016 and the Policing and Crime Act 2017 along with the need to comply with provisions to maintain a current policy have brought about a number of changes to the current Licensing Policy.

One of the recent changes to the Licensing Act 2003 since the current Licensing Policy (2015 – 2020) was adopted has been made by the Policing and Crime Act 2017. This Act amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of 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. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

The proposed cumulative impact assessment relates to the Tamworth Town Centre area. The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Statement of Licensing Policy since May 2005. There are no changes to the area within the assessment. Further information and evidence in respect of the cumulative impact assessment can be found in Appendix 3 of the Draft Statement of Licensing Policy.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate.

That said, it is proposed that the revised policy (2020 – 2023) will be reviewed in 3 years. This is because the revised statement of licensing policy includes a proposed cumulative impact assessment and new legislation in relation to cumulative impact assessment requires that the assessment is reviewed and consulted upon every 3 years from the date it comes into force. As the two policies/documents are intrinsically linked, it is proposed that they should be consulted upon and reviewed at the same time.

Tamworth Borough Council adopted the current Statement of Licensing Policy on 16 December 2014. The Statement of Licensing policy must be revised, adopted and published by 1 January 2020. The Cumulative Impact Assessment is also presented for consideration and adoption.

The changes that have been made to the existing policy (2015 – 2020) are shown in RED within the document at **Appendix 3** and the more significant changes that have been made are also summarised in the table at **Appendix 5**.

## **REPORT AUTHOR**

*If Members would like further information or clarification prior to the meeting, please contact Colin John, Environmental Health Officer; Tel 01827 709429; e mail colin-john@tamworth.gov.uk*

## **APPENDICES**

- |                   |   |
|-------------------|---|
| <b>Appendix 1</b> | List of Individuals and Groups Consulted.                                       |
| <b>Appendix 2</b> | Schedule of Consultation Responses Received.                                    |
| <b>Appendix 3</b> | Draft Revised Tamworth Borough Council Statement of Licensing Policy 2020-2023. |
| <b>Appendix 4</b> | Community Impact Assessment   |
| <b>Appendix 5</b> | Table of Amendments to be Included in Proposed Policy (2020 – 2023).            |

## **LIST OF BACKGROUND PAPERS**

1. Licensing Act 2003.
2. Revised Guidance under s182 of the Licensing Act 2003.

3. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 20 June 2019.
4. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 22 August 2019.
5. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 21 November 2019.
6. Report of the Portfolio Holder for Regulatory and Community Safety to Cabinet 28 November 2019.