

Thursday, 13 October 2022

Report of the Assistant Director of Growth & Regeneration

REVISED STATEMENT OF LICENSING POLICY 2023 - 2025

Exempt Information

None

Purpose

To seek approval for the revised draft Statement of Licensing Policy 2023 - 2025 as suitable to go out to consultation.

To review the authority's Cumulative Impact Policy (which forms part of the Statement of Licensing Policy 2023-2025) as part of the consultation process.

Recommendations

Committee to endorse the draft Statement of Licensing Policy and associated review of the Cumulative Impact Assessment and approve the documents for public consultation concluding on 13th November 2022.

Executive Summary

The Council is under a duty to keep its Statement of Licensing Policy under review every five years and a review of the Councils Cumulative Impact Assessment every three years.

That said, it is proposed that the revised policy (2023 – 2025) will be reviewed in 3 years. This is because the revised statement of licensing policy includes a proposed cumulative impact assessment and 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. It is therefore sensible to have the same review cycle given that the Cumulative Impact Assessment is integral to the Licensing policy. However, as part of the discussion on both documents if the Cumulative Impact Assessment is removed from the Statement of Licensing Policy, eg no longer required, the revised Licensing policy will become effective in 2023 until 2027, a duration of five years in line with guidance

The Licensing Act 2003 requires the Council as the Licensing Authority to carry out a formal review, consultation and re-publication of its Statement of Licensing Policy and Cumulative Impact Assessment.

The Licensing Policy sets out the principles that the authority will apply to promote the Licensing Objectives when making decisions on applications for licences made under the Act for the subsequent three years.

The four licensing objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Tamworth Borough Council currently has a Statement of Licensing Policy which includes a Cumulative Impact Assessment which is attached at Appendix 1.

The draft Statement of Licensing Policy 2023 – 2025 has been created and updated by Tamworth Borough Council officers together with relevant government documents and is attached at Appendix 2.

A summary matrix of the changes can be found at Appendix 3.

Cumulative Impact Assessment

Cumulative impact is defined as the potential impact on the promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. In some areas where the number, type or density of licensed premises, such as those selling alcohol; or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises.

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and/or public nuisance.

Staffordshire Police in their role as “Responsible Authority” under the Licensing Act 2003 have submitted a report to retain the Cumulative Impact Area in Tamworth.

The area was approved and has been in force since May 2005 and is now due for review as part of the three year review of the Boroughs Statement of Licensing Policy 2023 - 2025.

Cumulative Impact Policies can be introduced where there is a combined impact or cumulative effect of licensed premises on one or more of the four Licensing Objectives, namely crime and disorder, the protection of children from harm, public safety and public nuisance.

The area has now been reassessed and evidence produced to justify the policy.

The public consultation exercise is intended to be held between the 17th October 2022 and 13th November 2022.

Following the public consultation exercise the draft policy together with any suggested amendments will appear before the Licensing Committee for comment and consideration before being presented to Full Council for adoption.

Options Considered

The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice

Resource Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

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

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

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.

Background Information

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 (2023 – 2025) 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.

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. 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

As the two policies/documents are intrinsically linked, it is proposed that they should be consulted upon and reviewed at the same time. The Statement of Licensing policy must be revised, adopted and published by 31 December 2022. The Cumulative Impact Assessment is also presented for consideration and adoption.

Report Author

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List of Background Papers

Licensing Act 2003

Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 issued April 2018

Appendices

1. Appendix 1: Current Statement of Licensing Policy 2020-2023
2. Appendix 2: Revised Statement of Licensing Policy 2023-2025
3. Appendix 3: Matrix of changes