

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 28
Brighton & Hove City Council

Subject:	Review of Statement of Licensing Policy 2021 – Interim report		
Date of Meeting:	12 March 2020		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	E-mail:	Jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council, as Licensing Authority, has a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy was adopted on 24 March 2016 by Full Council and revised in March 2019. The policy should be kept under review.
- 1.2 The cumulative impact policy, zone (CIZ) and special stress area (SSA) were introduced in 2008 and expanded in 2011. The SSA was further expanded into central Hove in 2019. A review looking at expanding the CIZ up London Road and Lewes Road was carried out in 2014 but found no evidence to justify the expansion so the special policy retained as existing.
- 1.3 S141 of the Policing and Criminal Act 2017 came into force on 6 April 2018 and gave cumulative impact assessments (CIAs) a statutory basis in the Licensing Act 2003. A policy must take into account any CIAs that an authority has published under 5A of the Act.
- 1.4 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Licensing Policy (Section 5(3) of the 2003 Act).

2. RECOMMENDATIONS:

- 2.1 Officers to continue to carry out work to review the Statement of Licensing Policy (SoLP).
- 2.2 Officers to report back to June 2020 Committee with an updated draft SoLP for statutory and public consultation document.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Officers have met with key stakeholders, Chair of Licensing and spokespersons of the licensing committee to discuss the forthcoming review, where a number of potential themes to consult on were discussed.

3.2 With the introduction of Cumulative Impact Assessments the licensing authority must review the existing special policy and Cumulative Impact Zone and publish a cumulative impact assessment (CIA) along with the evidence underpinning it for consultation.

3.3 Proposals for amendment and consultation are as follows:

- (i) Expanding the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue) to reflect the number of licensed premises in Preston Road and Beaconsfield Road, north of Preston Circus and the evidence from Public Health framework document. The proposed extension includes commercial parades with residential above north of Preston Circus along these two arterial routes in and out of the city including a significant number of licenced premises. The SSA is defined as an area of concern to be monitored for levels of public nuisance and anti-social behaviour (ASB). Applications in the SSA are expected to have a robust operating schedule with appropriate conditions. Unlike the CIZ there is no presumption of refusal. The Police's submission is contained in Appendix A.
- (ii) Consider including Marina into "Other areas" of the Matrix to reflect the increased number of residential properties.
- (iii) Consider incorporating "alcohol in shared workplace" within the matrix or body of the policy - An informative report was considered before the licensing committee in March 2019. A shared workplace or shared workspace can be defined by being a building that has been converted into office space, which is operated overall by one company that rents workspace to many different entrepreneurs and small businesses. Its general offering is of hot-desk working, meeting spaces, single or team desk hire and/or private office space, etc., usually to freelance workers and/or small or medium businesses who do not want to rent offices of their own. Customers who rent such office spaces are often termed 'members' of the applicant companies, however this term is not the same as members of clubs operating under a Club Premises Certificate.

Since May 2017, the Licensing Authority has received six applications for Premises Licences to be issued for premises that also have a shared workspace offer. Five of these applications have been made by the company who operate the shared workplace and one was made by a café franchisee operating within the building of the shared workplace. Of the six applications received, 3 were refused and 3 were granted.

- (iv) Off Licence section of SoLP – to add paragraph on deliveries e.g. condition no delivery to public spaces

- (v) Consider reviewing guidance on street parties, outdoor events, time-limited licences, TENs and substantial food.
 - (vi) Update out of date/irrelevant data, legislation and text, update night time economy safeguarding initiatives.
- 3.4 Any changes to policy should be evidenced based and for good reasons grounded in the licensing objectives. Police and Public Health have carried out initial data analysis that will inform the cumulative impact assessment document and special policies within the SoLP. These submissions are contained in appendix A and B. Further analysis is being carried out regarding these areas and the completed analysis will be included in the subsequent report at the June licensing committee.

4. FINANCIAL & OTHER IMPLICATIONS:

4.1 Financial Implications:

There are no financial implications arising from the recommendations made in this report. The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government.

Finance Officer Consulted: Michael Bentley

Date: 15.01.20

4.2 Legal Implications:

These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Following the consultation exercise, the views of all those persons or bodies should be given appropriate weight when determining the policy. The new requirement to publish a Cumulative Impact Assessment and the evidence underpinning it is significant. Revisions made to the policy without evidential basis are likely to be vulnerable to challenge.

Lawyer Consulted: Rebecca Sidell

Date: 15.01.20

4.3 Equalities Implications:

An Equality Impact Assessment will be completed as part of the policy review process to assess if there is any adverse impact on a particular group.

4.4 Sustainability Implications:

Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

4.5 Crime & Disorder Implications:

CIA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. The Special Policy promotes the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

4.6 Risk and Opportunity Management Implications:

Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

4.7 Corporate / Citywide Implications:

The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Police’s submission

Appendix B – Council’s Public Health Intelligence Team submission

Licensed premises maps

- 1. PH Licensing commentary
- 2. All alcohol licences – citywide
- 3. Both on and off sales – citywide
- 4. Off sale only – citywide
- 5. On sale only – citywide
- 6. CIZ, SSA and all alcohol licences
- 7. CIZ, SSA and both on and off licences
- 8. CIZ, SSA and off-licences
- 9. CIZ, SSA and on-licences
- 10. Supported accommodation, mental health services, substance misuse treatment centres and off-licences (point map)
- 11. Count of off-licences, supported accommodation, mental health services, and substance misuse treatment centres (thematic map)

Crime and disorder hotspot maps

- 12. Violence against the person not in a dwelling 2018/19
- 13. Violence against the person not in a dwelling 2018/19 with CIZ and SSA boundary
- 14. Violence against the person not in a dwelling 2016/17 for comparison
- 15. Criminal damage 2018/19
- 16. Criminal damage 2018/19 with CIZ and SSA boundary
- 17. Criminal damage 2016/17 for comparison

- 18. Noise complaints against licensed premises April 2016 – March 2019
- 19. Noise complaints against licensed premises April 2016 – March 2019 with CIZ and SSA boundary

Health data maps

- 20. Clients in alcohol treatment by ward 2018/19

Other:

- 21. SSA proposed extension (city wide)
- 22. SSA proposed extension (close up)
- 23. CIZ and SSA
- 24. CIZ only

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.