

**LICENSING COMMITTEE  
(LICENSING ACT 2003 FUNCTIONS)**

**Agenda Item 6**

Brighton & Hove City Council

<b>Subject:</b>	<b>Report of the Health &amp; Well Being Overview &amp; Scrutiny Panel</b>		
<b>Date of Meeting:</b>	<b>26 June 2014</b>		
<b>Report of:</b>	<b>The Head of Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Penny Jennings</b>	<b>Tel: 29-1065</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To consider the recommendations put forward by the Health & Wellbeing Overview & Scrutiny Panel, Scrutiny Panel on Alcohol in relation to proposed revision of the current Statement of Licensing Policy. An extract from the Minutes of the Health & Wellbeing Overview & Scrutiny Panel and a full copy of the report of the Scrutiny Panel on Alcohol are appended to this report.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the Recommendations set out in the Executive Summary on Page 4 of the report;
- 2.2 That the Committee notes the Panel's recognition of the strengths of the Statement of Licensing Policy and agrees to authorise officers to carry forward their recommendation that the Policy and Matrix be reviewed by this Committee, in particular
- (a) the geographical scope of the Cumulative Impact Zone;
  - (b) that café bars are given their own categorisation in the Matrix to recognise that they are not restaurants or pubs and that different guidance may apply;
  - (c) review the definition of residential or commercial areas;
  - (d) review the statement on hours of alcohol sale; and
  - (e) review the policy on food and alcohol retailers outside the CIZ (Page 16 of the report; gather and assess the evidence necessary for a review of the policy as above in particular the evidence for inclusion of further areas into the CIZ and that officers report back to this committee with a detailed report and amended policy proposal for approval by the committee with a view to commencement of the statutory consultation process and
- 2.3 gather and assess the evidence necessary for a review of the policy as above in particular the evidence for inclusion of further areas into the CIZ and that officers report back to this committee with a detailed report and amended policy proposal

for approval by the committee with a view to commencement of the statutory consultation process

### **3. CONTEXT/ BACKGROUND INFORMATION**

3.1 The Overview & Scrutiny Committee have forwarded their report to the Licensing Committee (Licensing Act 2003 Functions) for information and are also seeking the Committees' approval to review the current Statement of Licensing Policy in the terms set out.

3.2 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Licensing Act. The views of all these persons or bodies should be given appropriate weight when the policy is determined. Licensing guidance advises licensing authorities to consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy.

3.3 To justify any special policy for cumulative impact within the statement of licensing policy, the licensing authority must take prescribed steps: identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm; consider evidence that crime and disorder or nuisance and threats to public safety or the protection of children from harm. If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent. Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

3.4 From previous experience this process requires a minimum of two licensing committees to assess evidence and consultation responses and a full Council meeting. Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act. The legislation does not allow delegation of the policy setting function from the full Council. A likely projection is for the licensing policy review to reach conclusion during the period around 2015 local elections.

### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 Not applicable. A review of the current Statement of Licensing Policy (SOLP) is being sought.

### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 As appropriate within the statutory consultation process.

### **6. CONCLUSION**

6.1 This is a report for information – the rationale underpinning the HWB changes is detailed in the report to Full Council (**Appendix 1**).

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The costs associated to the recommendations made by the Health & Wellbeing Overview & Scrutiny Panel will be funded from the existing Licencing Act 2003 revenue budget within Environmental Health and Licensing service.
- 7.2 The net budget for the service in the 2014-15 financial year is approximately £9,000, which includes income received from licenses and the cost of support services and management and administration support

*Finance Officer Consulted: Steven Bedford*

*Date: 4/06/14*

### Legal Implications:

- 7.3 These are set out in the report. Review of the SOLP is a significant piece of work and one which must be undertaken in accordance with proper procedure and legal advice in order to avoid challenge.

*Lawyer Consulted:*

*Date: 1/06/14*

### Equalities Implications:

- 7.2 None specifically.

### Sustainability Implications:

- 7.3 None specifically.

### Any Other Significant Implications:

- 7.4 None specifically.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Extract from Minutes of the Report of the Health & Wellbeing Overview & Scrutiny Panel.
2. Report of the Scrutiny Panel on Alcohol

### **Documents in Members' Rooms**

None

## **Background Documents**

None