

## **Statement of Licensing Policy and Guidance 2021-2026**

### **Purpose**

To consider the revised draft Statement of Licensing Policy 2021-2026 in relation to exercising functions under the Licensing Act 2003.

### **Wards Affected: All**

### **Recommendation**

The Licensing Committee is advised to note the contents of this report and to approve the attached revised draft Statement of Licensing Policy 2021-2026 for adoption.

The Committee is also asked to consider the options available to Members with regards to the Cumulative Impact- Special Policy (CIP) and to choose the preferred option together with the actions required by officers to move the preferred option forward.

### **1. Background**

- 1.1 As the Licensing Authority under the Licensing Act 2003 we are required to prepare and publish a licensing policy at least every 5 years. We are also required to keep the policy under review and update it as appropriate.
- 1.2 Our current Statement of Licensing Policy (SOLP) took effect from 24<sup>th</sup> February 2016 for the period 2016-2021. Acknowledging that the life of the policy is due to end in February 2021 it has been reviewed and updated.
- 1.3 As part of this review we have had regard to the changes introduced by the Revised Guidance issued under section 182 of the Licensing Act 2003 which was published in April 2018.
- 1.4 Following consideration of the revised Policy at the Licensing Committee on the 21 October 2020 approval was given to put the revised SOLP out to consultation.
- 1.5 In accordance with section 5 of the Licensing Act 2003 we consulted widely on the revised SOLP. This included consulting the persons listed in section 5(3) of the Licensing Act 2003 as given below:
  - a) The Chief Officer of Police for our area
  - b) The Fire Authority

- c) Persons/bodies representative of local holders of premises licences
  - d) Persons/bodies representative of local holders of club premises certificates
  - e) Persons/bodies representative of local holders of personal licences
  - f) Persons/bodies representative of business and residents in the area.
- 1.6 As part of our consultation we contacted all Ward Councillors to give them an opportunity to comment.
- 1.7 The consultation period ended at the beginning of December and we are now in a position to consider the results.
- 1.8 We received three representations on the SOLP as outlined in 3 below.

## **2. Cumulative Impact – Special Policy**

- 2.1 Our current Statement of Licensing Policy 2016-2021 includes a Cumulative Impact Policy (CIP). When revising our Statement of Licensing Policy we must have regard to our CIP.
- 2.2 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. For example the impact on surrounding areas of the behaviour of customers of all premises will be greater than the impact of customers of individual premises. The CIP recognises this and is a tool that helps us to minimise the impact.
- 2.2.1 Following Revised Guidance issued under section 182 of the Licensing Act in April 2018 we are required to review the CIP every three years. It seemed appropriate to carry out both consultations simultaneously.
- 2.3 As part of our consultation on the SOLP we asked for comments on the CIP to allow us to consider its future.
- 2.4 The list of consultees on the CIP was the same as for the SOLP as required by section 5(3) of The Act.
- 2.5 We received two representations on the CIP, details of both is provided later in this report. Both representations were in support of retaining the CIP.
- 2.6 If the Licensing Committee make a decision to remove the CIP we must publish a statement to that effect, including the fact that any reference to a CIP no longer applies.
- 2.7 Alternatively if the decision is made that the CIP remains it will be revised to update the evidence that supports why it continues to be relevant. This information will be published on our website.

### **3. Results of the Consultation**

#### **3.1 a) Statement of Licensing Policy**

During the consultation period we received three representations on the SOLP. Copies of the representations are attached, Annex B.

Representations were received from:

- Councillor Cliff Betton
- The Fire Authority and
- The Venue Manager, Camberley Theatre

The draft SOLP presented to the Licensing Committee in October has been amended to reflect the comments and recommendations made in the representations.

A copy of the revised SOLP is attached, Annex A. No further changes have been made to the Policy.

#### **b) Cumulative Impact – Special Policy**

Two representations were made on the CIP both in support of retaining the CIP. Copies of these representations are attached, Annex B

Representations were received from:

- Councillor Alan McClafferty and
- Inspector Alick James on behalf of the Police as a Responsible Authority under the Licensing Act 2003.

The Licensing Committee is now in a position to consider the future of the CIP.

The options available are as follows:

- Keep as existing
- Amend to reflect current situation  
Or
- Remove

Whichever option is chosen there is a formal process to be followed, this is outlined in section 5A of the Licensing Act 2003. Further details are included in the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003.

If the decision is made to retain the CIP, we must revise the CIP to include a statement to the effect that the Licensing Authority remain of the opinion that:

'the number of relevant authorisations in respect of premises within the area covered by the CIP is such that it would be likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises within the CIP'.

We must also set out the evidence as to why the authority remains of that opinion. We must then publish any revision of the CIP.

The process outlined above also applies where a decision is made to amend the CIP.

If a decision is made to remove the CIP we must:

Publish a statement to the effect that the Licensing Authority is no longer of the opinion set out above.

### 3.2 Consideration of the Options

At an informal meeting with Councillor Rodney Bates, on the 22<sup>nd</sup> of February, attended by Councillor Alan McClafferty and Inspector Alick James details of the representations were discussed.

Both Councillor Alan McClafferty and Inspector James presented compelling reasons why the CIP should in their opinion be retained.

Following the discussion Councillor Bates indicated his support for retaining the CIP. The advantages of retaining the CIP could outweigh any disadvantages as it could act as a tool both now and in the future by allowing us to potentially control the impact of licensed premises within the CIP.

As there were no representations in support of removing the CIP it appears appropriate to retain it in light of available evidence. We would however monitor the impact of the CIP on the Town Centre development, in particular future prosperity. We would respond appropriately if the evidence indicates we should adopt a different approach.

## 4. Resource Implications

- 4.1 There are no resource implications arising from changes to the SOLP, however publicising the decision to either retain, amend or remove the CIP is likely to cost in the region of £500.

## 5. Covid-19

- 5.1 This continues to be a challenging time and it is likely that restrictions will continue in one form or another for some time. In response to the pandemic the Government introduced new legislation

and guidance, which continues to be updated, to protect people and to support businesses.

- 5.2 The revised draft Statement of Licensing Policy reflects some of the changes which have had an impact on licensing. This includes the provision of Remote Hearings and Pavement Licensing.

## 6. Recommendation

- 6.1 The Committee is advised to approve the revised draft Statement of Licensing Policy 2021-2026 as outlined in this report for adoption at Full Council.
- 6.2 The Committee is advised to approve the option of retaining the CIP with a recommendation that the impact of the CIP is kept under review as we emerge from current restrictions imposed as a result of COVID-19.

<b>Annexes</b>	Annex A: Revised draft Statement of Licensing Policy and Guidance 2021-2026  Annex B: Representations made following consultation on the revised SOLP and CIP.
<b>Background Papers</b>	Revised Guidance issued under section 182 of the Licensing Act 2003.
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