

CITY COUNCIL - 12 MAY 2014

REPORT OF THE CHAIR OF THE LICENSING COMMITTEE

REVIEW OF STATEMENT OF LICENSING POLICY

1 SUMMARY

- 1.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and publish a Statement of Licensing Policy (the Statement). The Statement was reviewed last year and a new Statement came into effect from 7 January 2014 for a 5 year period. However, following further consideration of that part of the Statement relating to the City Centre Saturation Zone Council is asked to consider proposed revisions to that part of the Statement and to approve their release for public consultation.
- 1.2 The proposed revisions were presented to Licensing Committee on 25th April 2014 which supported this proposal. Since then however the revisions have been amended slightly to reflect the fact that the Time and Place Plan is now adopted, rather than draft, Council Policy.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 approve the draft revisions to the Statement of Licensing Policy relating to the City Centre Saturation Zone and policy for release for public consultation

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 It is a statutory requirement that the Council has a Statement of Licensing Policy and any proposed amendments to that Statement are required to go through a process of public consultation.
- 3.2 The proposed revisions (facilitating the amendment of the City Centre Saturation Zone boundary to include two additional areas) are felt to be appropriate in order to promote the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance. The proposals also help to align the Statement with other Council policies.
- 3.3 The outcome of the consultation will be reported back to a further meeting of Council to consider whether the proposed revisions should be adopted.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not amending the City Centre Saturation Zone and Policy – this was rejected as evidence tends to suggest that the effect of cumulative impact has spread beyond the existing designated area.

5 BACKGROUND

- 5.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and publish a Statement of Licensing Policy (the Statement). The purpose of the Statement is to inform those making and considering

applications for licences and other notifications under the Act of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and Statutory Guidance issued by the Home Office. Such Statements remain in force for a period of 5 years but must be kept under review and revised at such times as the Licensing Authority considers appropriate.

- 5.2 Please note that hard copies of supplementary documents are available in members' group rooms and accessible electronically via the Nottingham City Council website and the Mod.Gov app.
- 5.3 The Statement was reviewed last year with a new Statement adopted by Council on 9th December 2013. This Statement came into effect from 7 January 2014 for a five year period. A number of comments were received during the public consultation on that Statement which related to the City Centre Saturation Zone. Comments were also received from the Director of Planning and Transport suggesting a potential redrawing of the boundary of the Zone to align more closely with other Council policies. Given the need to have a Policy adopted and in place by January 2014 Council, at that time, felt it appropriate to retain its existing approach. However it was indicated that further consideration would be given to City Centre Saturation Zone and policy in the new year. A formal request to re-consider the boundaries of the City Centre Saturation Zone was received from the Director of Planning and Transport in January 2014 (Appendix 1). This request suggested a potential expansion of the City Centre Saturation Zone to the west and a removal of part of the Saturation Zone to the south.
- 5.4 As a result of this request and other concerns about alcohol related crime which have been emerging to the east of the City Centre further consideration has been given to the appropriateness of the existing City Centre Saturation Policy and Saturation Zone boundaries. The main evidence in support of the current policy (primarily the statement of Sergeant Richard Shaw which was presented to Council in December 2013) is felt to remain applicable and is supported by a more recent report from the Crime and Drugs Partnership (Appendix 2). The removal of the canal side area to the south of the existing Zone is not supported as alcohol related crime and disorder levels remain high in this area and have in fact increased. It is therefore felt appropriate that all of the existing designated area be retained within the scope of the Policy.
- 5.5 The Report of the Crime and Drugs Partnership and a statement from Jennifer Guiste, Principal Enforcement Officer, (Appendix 3) do however identify further concerns that the effect of cumulative impact has spread beyond the existing designated area. Council is therefore asked to consider the addition of two areas to the City Centre Saturation Zone. These areas are identified as SZ1 and SZ2 in Appendices 2 and 3. It is proposed that revisions be made to paragraphs 6.32-33 and Appendices B and C of the Statement to reflect these additions and to address the issue of cumulative impact within them (Appendix 4). The addition of SZ2 also helps to align the Statement with other Council Policies such as the emerging Land and Planning Policies Document and the Time and Place Plan.
- 5.6 Before determining any amendment to its Statement of Policy, the Authority must consult with:
 - The chief officer of police for the Authority's area
 - The fire and rescue authority for that area
 - Each Local Health Board for an area any part of which is in the licensing authority's area,
 - Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any

part of which is in the licensing authority's area

- Such persons as the Authority considers to be representative of holders of premises licences issued by the Authority
- Such persons as the Authority considers to be representative of holders of club premises certificates issued by the Authority
- Such persons as the Authority considers to be representative of holders of personal licences issued by the Authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area

5.7 It is proposed that the consultation should last for a 12 week period.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

6.1 The statutory fees levied for the regime are intended to cover the cost of the review of the Statement of Policy.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

7.1 In devising its Licensing Policy the Licensing Authority must have regard to the four licensing objectives and the Statutory Guidance. In relation to Saturation Policies the Guidance indicates that these should be evidence based arising from a concern about crime and disorder, public safety, public nuisance or the protection of children from harm which is being caused by the customers of licensed premises in the area identified or where the risk of cumulative impact in that area is imminent.

7.2 It is a statutory requirement that any proposed revisions to the Statement of Licensing Policy be the subject of consultation with prescribed bodies and individuals prior to final consideration by full Council. As with any Council policy, if the revisions to the Statement are adopted they will be open to challenge by way of judicial review though it is unlikely that any formal challenge would be made on the basis of the consultative draft currently before Council.

7.3 The Statement of Licensing Policy has been prepared to enable fairness to all parties in relation to Equality & Diversity issues.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 Evidence supporting the existing City Centre Saturation Zone and boundary Statement of Sergeant Richard Shaw dated 27 March 2013 including

- Item RS/1 – Pub, Club, Off-Licence density in the East Midlands
- Item RS/2 – Violence – City Division
- Item RS/3 – Alcohol Report February 2013

8.2 • Time & Place Plan April 2014

8.3 • Draft Land and Planning Policies Document

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Licensing Act 2003

9.2 Guidance issued under section 182 of the Licensing Act 2003, October 2012

**COUNCILLOR BRIAN GROCOCK
CHAIR OF THE LICENSING COMMITTEE**