

LICENSING ACT COMMITTEE**25 JULY 2024**

REPORT TITLE	DRAFT REVISED STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is to seek Committee's approval of the draft revised Statement of Licensing Policy under the Licensing Act 2003 attached at Appendix 1 to this report in order that it may be circulated for public consultation. The Committee is also asked to agree that the public consultation includes a review of the Cumulative Impact Assessment contained within the Statement of Licensing Policy.

RECOMMENDATION

The Licensing Act Committee is recommended to:

1. Approve the draft revised Statement of Licensing Policy under the Licensing Act 2003 attached at Appendix 1 to this report in order that it may be circulated for public consultation.
2. Agree that the public consultation includes a review of the Cumulative Impact Assessment contained within the Statement of Licensing Policy.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement under the Licensing Act 2003 for the Council to review and consult on its Statement of Licensing Policy at least every five years prior to it being published.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the draft revised Statement of Licensing Policy be circulated for public consultation without approval from this Committee. It was considered, however, that this would deny the Committee an opportunity to input into the revision process and the draft document to be circulated. The Committee may determine not to review the Cumulative Impact Assessment until 2025., the Statutory Guidance issued under 182 of the Licensing Act 2003 advises that where a Licensing Policy Statement as a whole is due for review, under the five year review period and this occurs before the end of the three year Cumulative Impact Assessment review period, Licensing Authorities may wish to use this as an opportunity to carry out a review of the evidence in support of the Cumulative Impact Assessment.

3.0 BACKGROUND INFORMATION

- 3.1 The Council's Statement of Licensing Policy was first published in January 2005. The policy has since been subject to four reviews and the most recent policy was published in December 2019. The revised draft Statement of Licensing Policy is attached at Appendix 1 to this report. The proposed revisions to the Statement of Licensing Policy are highlighted in bold.
- 3.2 On 10 July 2017 the Council resolved to include a Special Cumulative Impact Policy within its Statement of Licensing Policy. The details of the Cumulative Impact Assessment are set out at paragraphs 14.1 to 14.16 in the draft revised Statement of Licensing Policy. A plan of the area subject to the Cumulative Impact Assessment is provided at Appendix C of the draft revised Statement of Licensing Policy.
- 3.3 In accordance with the requirements of the Licensing Act 2003 the Licensing Authority has since consulted upon the Cumulative Impact Assessment contained within the Statement of Licensing Policy on two occasions, namely 2019 and 2022, on both occasions having considered evidence from Merseyside Police the Licensing Authority determined that it was necessary and appropriate to continue to include the Cumulative Impact Assessment in its Statement of Licensing Policy.
- 3.4 It is a requirement of the Licensing Act 2003 that the Statement of Licensing Policy be reviewed at least every five years and that the Cumulative Impact Assessment be reviewed within three years of its adoption and at least every three years thereafter. It is proposed therefore that the current review of the Statement of Licensing Policy will also seek views on the Cumulative Impact Assessment included therein.

3.5 In undertaking a review of the Statement of Licensing Policy there is a statutory requirement to consult with the following persons / bodies:

- The Chief Officer of Police
- The Fire and Rescue Authority
- The Director of Public Health
- Persons/Bodies representative of local holders of premises licences
- Persons/Bodies representative of local holders of club certificates
- Persons/Bodies representative of local holders of personal licences
- Persons/Bodies representative of businesses and residents in its area

3.6 Notification of the consultation will be published on the Council's website.

3.7 It is proposed that the period of consultation be between 29 July 2024 and 27 September 2024 and that the outcome of the consultation be reported to a meeting of this Committee on 23 October 2024 in order that recommendations of this Committee may be presented to full Council at its meeting on 2 December 2024 for the Statement of Licensing Policy to be approved.

4.0 FINANCIAL IMPLICATIONS

4.1 There are staffing cost implications to undertaking a consultation exercise which will be funded from within the Licensing budget.

5.0 LEGAL IMPLICATIONS

5.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a Statement of its Licensing Policy every 5 years.

5.2 Section 5 (A) of the Licensing Act 2003 provides that a Licensing Authority may publish a Cumulative Impact Assessment stating that the Licensing Authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is 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 in that part or those parts.

5.3 In accordance with Section 5A (7) and (12) the Licensing Authority must before the period of three years beginning with the publication of the Cumulative Impact Assessment or a revision of the Cumulative Impact Assessment consider whether it remains of the opinion that it should remain in place.

5.4 When determining its Statement of Licensing Policy / Cumulative Impact Assessment or undertaking a review of its Licensing Policy / Cumulative Impact Assessment the Licensing Authority must consult those persons listed in section 5(3) of the Licensing Act 2003.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 The review of the Statement of Licensing Policy and Cumulative Impact Assessment will be undertaken within current resources.

7.0 RELEVANT RISKS

- 7.1 The Statement of Licensing Policy must be published before 31 December 2024 in accordance with statutory timescales. Should the Council fail to approve a revised Statement of Licensing Policy within this timescale there is a risk that the Council could be open to challenge with regard to future decisions under the Licensing Act 2003.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Should Committee approve the draft revised Statement of Licensing Policy it is proposed that public consultation will take place between 29 July and 27 September 2024. Notification of the consultation will be published on the Council's website.

9.0 EQUALITY IMPLICATIONS

Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. The Equality Impact Assessment relevant to the proposed amendments to the Statement of Licensing Policy is available via the link below.

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no direct Environment and Climate Implications arising as a result of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no direct Community Wealth Implications arising as a result of this report.

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APPENDICES

Appendix 1 - Draft Revised Statement of Licensing Policy

BACKGROUND PAPERS

Licensing Act 2003

Statutory Guidance issued under Section 182 of the Licensing Act 2003

TERMS OF REFERENCE

This report is being considered by the Licensing Act Committee in accordance with paragraph 9.2 of its Terms of Reference, which states that the principal role of the Licensing Act Committee is to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003 and responsible for making decisions as the Licensing Authority under the Licensing Act 2003.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act Committee	16 November 2022
Council	5 December 2022