



Leicester
City Council

WARDS AFFECTED
City wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Licensing Committee

11 November 2010

Cabinet

22 November 2010

Council

25 November 2010

Review of Statement of Licensing Policy

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1. To obtain Cabinet's views on the draft Statement of Licensing Policy following public consultation and consultation with the Licensing Committee, and prior to final approval by full Council.

2. Recommendations for Licensing Committee

- 2.1. Licensing Committee is asked to provide its comments to Cabinet on the proposed Statement of Licensing Policy, which will apply between February 2011 and February 2014.

3. Recommendations for Cabinet

- 3.1. Cabinet is asked to give its views on the proposed Statement of Licensing Policy, which will apply between February 2011 and February 2014.

4. Recommendations for Council

- 4.1. Council is asked to approve the proposed Statement of Licensing Policy, which will apply between February 2011 and February 2014.

5. Summary

- 5.1. The Licensing Act 2003 requires that each Licensing Authority has a Statement of Licensing Policy. This must be reviewed every three years. In November 2007, the full Council approved the Statement of Licensing Policy to apply between February 2008 and February 2011.

- 5.2. The Statement of Licensing Policy explains how the licensing authority will carry out its role under Licensing Act 2003, during the next three years. During this period the licensing authority will keep this policy under review and may make revisions to the document following consultation with the bodies outlined below. The policy will also:
- be used as a guide by members of the Licensing Authority in their decision making ;
 - inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
 - inform residents and businesses about how applications will be viewed and how their needs will be addressed
 - be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

6. Consultation and revised policy

- 6.1. Consultation took place in July, August and September 2010. A questionnaire was made available online and in paper format to the consultees shown in Appendix 5. Other steps taken to promote the consultation were:
- Press release
 - Two articles in the Leicester Mercury
 - Article in Leicester Link
 - Information on our website
 - Twitter
 - Presentation at Castle Ward community meeting 9 September 2010
- 6.2. 47 responses were received, most by way of the consultation document. The statistical responses are shown on the consultation document at Appendix 3. The specific comments received are summarised in the document shown at Appendix 4, together with our response to the specific comments made.
- 6.3. A response to the consultation was received from Leicestershire Police. Information about this is included in relevant sections below.
- 6.4. Officers updated the current policy to take account of consultation and experience gained over the last three years. The main changes are:
- 6.4.1. The cumulative impact policy (“saturation zone”) for Churchgate / Haymarket / Belgrave Gate / Abbey Street will be retained. The Police and other consultees have asked for new areas to be added for Belvoir Street and Braunstone Gate areas which are associated with elevated incidence of crime and disorder, and an area around London Road and Granby Street, in relation to off-licences, which has elevated incidence of public nuisance and antisocial behaviour associated with street drinking. Supporting evidence from the Police

has been deposited in the group rooms and the members' library. The police have also suggested that consideration may be given to the introduction of a cumulative impact policy covering the whole of the city centre. The extent of the proposed areas are described below and shown on the maps attached at Appendix 2.

- Belvoir Street area of the City - bounded by Belvoir Street, Granby Street (from Belvoir Street to Chatham Street), Chatham Street, Wellington Street (from Belvoir Street to Park Street), Park Street, New Walk (from Park Street to King Street) and King Street (from New Walk to Belvoir Street);
- Braunstone Gate area of the City - bounded by Braunstone Gate, New Park Street, Narborough Road from New Park Street to Upperton Road, and Hinckley Road (from Narborough Road to Fosse Road Central/Fosse Road South);
- London Road/Granby Street area of the City - bounded by London Road (from Prebend Street to Granby Street) and Granby Street (from London Road to Chatham Street).

6.4.2. There have been a number of suggestions from respondents that there should be a saturation policy for the Queens Road area of Clarendon Park. Many of the comments related to the demand, or need for more premises. This is outside the scope of the Licensing Act and neither the density of premises or the level of crime or disorder supports the adoption of a cumulative impact policy in this area.

6.4.3. Legislation dictates a certain amount of the content of the Statement of Licensing Policy. It also sets out matters that the licensing authority may not impose on applicants, licence holders, and so on. The revised policy complies with the legislation in this respect, but also includes additional information about steps the licensing authority considers best practice. This is intended to encourage effective promotion of the licensing objectives.

6.4.4. Part of this consultation involved obtaining respondents' views on which steps to promote the licensing objectives were generally likely to be appropriate for which types of licensed premises. In relation to the prevention of crime and disorder, the police are seen as having the expertise and their view is therefore given significant weight. The key steps which are supported by the police are the installation of CCTV, the employment of door supervisors and the training of staff involved in the sale of alcohol. These were also the three most important steps supported by respondents in general. Where the police have responded that they do not support particular steps to promote the prevention of crime and disorder, they are not identified in the policy as measures that the licensing authority would expect to see. These are:

- Personal licence holders being on duty whenever alcohol is being sold;
- Door supervisors being on duty inside premises to deal with security
- Poly-carbonate glasses being used.

6.4.5. The government consultation 'Rebalancing the Licensing Act' ended several weeks ago and it is likely that there will be significant changes made. Depending on the nature of these changes, it may be necessary for our Statement of Licensing Policy to be reviewed again. One proposal is to enable licensing authorities to impose as 'Early morning alcohol restriction', which gives authorities the power to make all premises licensed for the sale of alcohol to close between 03.00 and 06.00 hours. This proposal was included in our own consultation document and 26 out of 37 respondents (70%) agreed that Leicester City Council should make such an order. The proposal was also supported by the Leicestershire Constabulary. If central government enacts this proposal Members will be asked to give consideration to it at that time.

6.4.6. The revised policy takes account of the consultation responses, and is attached at Appendix 1. This document shows the differences from the current policy.

7. Financial, legal and other implications

7.1. Financial Implications

7.1.1. There are no significant financial implications arising from this report.
Martin Judson - Head of Finance

7.2. Legal Implications

7.2.1. The Council as a Licensing Authority is under a statutory duty to determine its Licensing Policy with respect to the exercise of its licensing functions every three years. The current Policy was determined in November 2007 therefore a new Policy is due. A current Licensing Policy must be in place for the Council to be able to function as a Licensing Authority.

Sarah Khawaja – Senior Solicitor/Team Leader Legal Services

7.3. Climate Change Implications

7.3.1. This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets.
Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement

8. Other Implications

| OTHER IMPLICATIONS | YES/ NO | Paragraph/References Within the Report |
|-------------------------------|--------------------|---|
| Equal Opportunities | No | |
| Policy | Yes | Throughout |
| Sustainable and Environmental | No | |

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|------------------------------|-----|-------------|
| Crime and Disorder | Yes | Section 6.4 |
| Human Rights Act | No | |
| Elderly/People on Low Income | No | |
| Corporate Parenting | No | |
| Health Inequalities Impact | NO | |

9. Background Papers – Local Government Act 1972

9.1. Report to Licensing Committee – Review of Statement of Licensing Policy, 18 May 2010

10. Consultations

10.1. See Section 6

11. Report Author

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Appendices

Appendix 1 – Draft revised policy

Appendix 2 - Maps showing areas of proposed cumulative impact policies

Appendix 3 - Summary table showing percentages of responses

Appendix 4 - Schedule of comments received and responses

Appendix 5 - List of specific consultees

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|--------------------------------------|---------------------|
| Key Decision | No |
| Reason | N/A |
| Appeared in Forward Plan | N/A |
| Executive or Council Decision | Executive (Cabinet) |