

Briefing Paper

Consultation on the review of the Licensing Act Statement of Licensing Policy and introduction of the Late Night Levy

Purpose

The Council's Policy Framework includes the Licensing Act Policy within its scope. The constitution requires that *'the Cabinet member will canvass the views of interested local stakeholders including the Overview and Scrutiny Management Board in accordance with the protocol for consultation'*. (Constitution Part B, page 15, paragraph 2.3)

This briefing note seeks to comply with the constitution by providing the Cooperative Scrutiny Board with the opportunity to review the proposed changes to the policy, including the introduction of a late night levy and make comment.

Background

The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late night refreshment. This is achieved by the use of a licensing system administered by the Council.

Under the Licensing Act 2003 it is a statutory requirement that the Council publishes a Statement of Licensing Policy. This policy will state how the Council will administer applications and regulate licensable activities. It will also specify under what circumstances applications may be successful and measures necessary to promote the licensing objectives.

Any refusals or conditions must be appropriate to promote the licensing objectives which are:

- Prevention of Crime and disorder
- Promotion of public safety
- Prevention of nuisance
- Protection of children from harm

The current Licensing Policy was adopted from January 2011 and must be reviewed at least every 5 years. Over the last 18 months, however, the Government have introduced a series of additional legal controls which amended the Licensing Act. These new controls provide Councils with additional opportunities to exercise greater local discretion on licensing matters and control the negative aspects of the consumption of alcohol in the evening and night time economy (ENTE). It is appropriate, therefore, that the policy is reviewed in the light of these legislative changes. The introduction of the late night levy is a manifesto pledge and it is appropriate that this issue receives consultation as part of the wider review of the licensing policy.

Key policy areas for consultation include:

1 - Late Night Levy

- Use of exemptions or reductions for certain businesses
- Hours covered
- Use of levy funds

2 - Changes to the cumulative impact policy

- Amendment of wording to be more flexible
- Include off licenses and late night refreshment within the policy

3 – Amendments to the current policy

- Consideration of presumed closing times for areas of our night time economy
- Introduce a more prescriptive glass alternatives policy
- The addition of maximum occupancy figures as a condition

How will the consultation be undertaken?

Any changes to the policy must be consulted on in accordance with statutory issued under s182 Licensing Act 2003 and Home Office guidance regarding the Late Night Levy

The consultation documentation has been developed in conjunction with development of the Plymouth Plan. Engagement with interested parties will be through:

- Direct mail
- Public events in the main ENTE areas aimed primarily at local communities
- Events for the trade organised in conjunction with trade bodies, such as Best Bar None, Pubwatch
- Face to face meetings with critical stakeholders
- Internal mailing to all Team Plymouth and Councillors
- Briefing note to the Overview and Scrutiny Management Board

In accordance with statutory guidance a pre-consultation exercise has already been completed, which included the Police and Crime Commissioner. Feedback from this exercise has assisted in the development of the consultation document.

Action Requested

The Cooperative Scrutiny Board is asked to note this report and consider how it would wish to comment. Appendix I contains a copy of the full consultation.

Any comments from the Board should be received by the 5th October 2013 so that they may be considered by the Cabinet Member and Cabinet prior to the submission of the draft policy to the City Council.

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