

REPORT TO CABINET

20 March 2019

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| Subject: | Alcohol Licensing Policy Consultation |
| Presenting Cabinet Member: | Councillor Elaine Costigan - Cabinet Member for Public Health and Protection |
| Director: | Executive Director of Adult Social Care, Health and Wellbeing – David Stevens Director – Prevention and Protection – Stuart Lackenby |
| Contribution towards Vision 2030: |   |
| Key Decision: | Yes |
| Forward Plan (28 day notice) Reference: | SMBC08/03/2019 |
| Cabinet Member Approval and Date: | 28 January 2019 |
| Director Approval: | 28 January 2019 |
| Reason for Urgency: | Urgency provisions do not apply. |
| Exempt Information Ref: | Exemption provisions do not apply |
| Ward Councillor (s) Consulted (if applicable): | The policy is boroughwide |
| Scrutiny Consultation Considered? | Scrutiny have not been consulted |
| Contact Officer(s): | Neil Cox Service Manager – Regulatory Services 0121 569 3107 |

DECISION RECOMMENDATIONS

That Cabinet:

Approves the commencement of formal consultation with all relevant stakeholders, as identified in the report, on the revised Draft Statement of Licensing Policy for the borough.

1 PURPOSE OF THE REPORT

- 1.1 Section 5 of the Licensing Act 2003 requires the Council as the Licensing Authority to prepare and publish its own Statement of Licensing Policy outlining how it intends to carry out its licensing functions under the Act.
- 1.2 The Council's current Statement of Licensing Policy was approved by full Council in March 2014.
- 1.3 The Act requires the Council, in respect of each five-year period, to determine its policy with respect to the exercise of its licensing functions, and to publish an updated statement of that policy.
- 1.4 This report therefore seeks permission to commence consultation on a revised draft statement of policy in line with the requirements of the Licensing Act 2003.
- 1.5 The Act specifically requires, as part of the consultation process, for the Licensing Authority to consult the following:-
 - the Chief Officer of Police;
 - the Fire and Rescue Authority for the area;
 - representatives of persons holding premises licences, personal licenses or club premises certificates;
 - representatives of businesses and residents.

2 IMPLICATION FOR VISION 2030

- 2.1 Recognising the risks associated with alcohol misuse and the significant detrimental impact this can have on people's health, the revised policy encourages both current license holders and future applicants to be more aware of the impact of alcohol on the borough when selling and supplying alcohol.

- 2.2 On this basis, the revised Alcohol Licensing Policy directly relates to the achievement of ambition 2 of Vision 2030 which reads: “Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for.”
- 2.3 The responsible sale of alcohol also serves to protect our communities and people living within them by reducing the risk of alcohol related crime and disorder and public nuisance.
- 2.4 On this basis the revised Alcohol Licensing Policy directly relates to the achievement of ambition 5 of Vision 2030 which reads: “Our communities are built on respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.”

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 In November 2005, the Licensing Act 2003 came into effect. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late-night refreshment, administered by the local Licensing Authorities.
- 3.2 Section 5 of the Act requires each authority to prepare and publish a Statement of Licensing Policy, setting out how the authority intends to approach its licensing responsibilities. This statement should be reviewed every five years.
- 3.3 The current Statement of Licensing Policy was approved by full council in March 2014, and is therefore now due to be reviewed.
- 3.4 Whilst the administration of the licensing sits with the local authority the Licensing Act 2003 clearly stipulates that applications for licences can only be refused, and existing licenses can only be revoked if there is a failure to comply with one of the four licensing objectives.
- 3.5 The four licensing objectives are as follows:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

4 THE CURRENT POSITION

- 4.1 The updated Licensing Policy has been drafted in conjunction with health partners via the Cooperative Working Board, in recognition of the impact the sale and supply of alcohol has on the health of the borough's population.
- 4.2 Whilst licensing decision making is limited to the scope of the four licensing objectives as outlined above we believe that a revised licensing policy should contain information which provides the applicant or license holder with a clear understanding of the impact of alcohol on the borough to raise their awareness of the responsibility they hold.
- 4.3 On this basis, the proposed Statement of Licensing Policy being put forward for consultation now contains far more health related information outlining the potential harm the misuse of alcohol is having on the residents of the borough.
- 4.4 In addition to this, the revised policy also includes more information on:
- Modern Day Slavery
 - Child Sexual Exploitation
 - Public Health related information
- 4.5 A copy of the updated Statement of Licensing Policy can be found at appendix A of this document.
- 4.6 To accompany the policy document, it is also proposed to provide a guidance document for applicants and license holders to support them to understand the practical steps they can take to manage their responsibilities as a License Holder effectively and support the long term health and well-being of the borough's residents
- 4.7 A copy of the proposed guidance document can be found at Appendix B of this document.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 The revisions to the previous policy have been made in consultation with the membership of Cooperative Working Board which includes senior representation from:
- Public Health
 - Sandwell and West Birmingham Hospitals NHS Trust
 - Sandwell and West Birmingham Clinical Commissioning Group

- 5.2 This has enabled us to produce a proposed policy to be used during the formal consultation period.
- 5.3 The key stakeholders who will be contacted during this period are outlined in section 8 of this report.

6 ALTERNATIVE OPTIONS

- 6.1 As the requirement to review the Statement of Alcohol Licensing Policy every five years is outlined in law there are no alternative options to carrying out a review at this time.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The Corporate Risk Management Strategy has been complied with to identify and assess the significant risks associated with this decision. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks. The assessment has determined that there are no significant risks arising from the decisions being sought.
- 7.2 There are no adverse budget implications or any other significant risks associated with the Policy amendments detailed in this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under Section 5 of the Licensing Act 2003, the Council as the Licensing Authority must in respect of each five year period determine its policy with respect to exercising its licensing functions and publish a statement of that policy.
- 8.2 Before determining its policy, the council must consult:-
- The Chief Officer of Police
 - The Fire Authority
 - Such persons as the council considers to be representative of holders of premise licenses
 - Such persons as the council considers to be representative of holders of club premise certificates
 - Such persons as the council considers to be representative of holders of personal licenses
 - Such persons as the council considers to be representative of businesses and residents in the area.
- 8.3 During each five year period, the Council must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

8.4 Where revisions are made, the Council must publish a statement of the revisions or the revised Licensing Statement.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment has been undertaken as part of the preparation of this report in line with Council policy.

9.2 The results of the assessment have identified that the proposals and recommendations contained in this report will not have an adverse impact on any group with protected characteristics.

9.3 The proposals are both reasonable and a proportionate response to the primary objective of protecting the public, in line with the licensing objectives outlined in the relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 Not applicable to this decision.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 Consideration has been given to the risks associated with the proposed policy, however, no significant risks have been identified.

11.2 The responsible sale of alcohol serves to protect communities and people living within the borough by reducing the risk of alcohol related crime and disorder and public nuisance. Therefore, the proposed amendments to the policy should serve to have a positive impact on levels of crime and disorder in the borough.

12 SUSTAINABILITY OF PROPOSALS

12.1 The proposals put forward in this report are sustainable and respond to current legislation.

12.2 There is no indication that either legislation or industry standards are likely to be changed or amended.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 The proposed implementation of the revised Alcohol Licensing Policy will have a positive impact on people's health and well-being.

- 13.2 There is evidence which shows deprived communities suffer much greater harm from alcohol in comparison to less deprived communities (despite drinking similar amounts). This ultimately impacts on the healthy life expectancy of Sandwell residents: Healthy life expectancy for men living in Sandwell is 4.7 years lower than the national average and for Sandwell women it is 5.6 years lower than the national average. This means that, on average, a woman in Sandwell can expect to live with illness and disability for 22.9 years, for men 18.3 years
- 13.3 Given licensing is the main mechanism by which we can manage access to and provision of alcohol we will ensure an approach which can effectively balance the needs of local businesses yet ultimately minimises harmful impacts on Sandwell residents.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 Not applicable to this decision.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 Based on the information outlined in this report, outlining both the legal requirement to update the Statement of Licensing Policy and the need to make license holders more aware of the impact of alcohol misuse on the borough's residents, it is recommended that Cabinet approve that the updated draft Statement of Licensing Policy be put forward for consultation.

16 BACKGROUND PAPERS

Not applicable

17 APPENDICES:

Appendix A: Revised Draft Statement of Licensing Policy
Appendix B: Statement of Licensing Policy Guidance Booklet
Appendix C Equality Impact Assessment.

David Stevens
Executive Director of Adult Social Care, Health and Wellbeing