

REPORT TITLE: Proposed Revision to Statement of Licensing Policy 2025 – 2030 and Cumulative Impact Assessment

Meeting:	Environment and Climate Change Scrutiny Panel
Date:	Wednesday 20 th November 2024
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
<p>Purpose of Report To brief members of the Environment and Climate Change Scrutiny Panel about two Licensing and Safety Committee Reports.</p> <ul style="list-style-type: none"> • Statement of Licensing Policy (Licensing Act 2003) • Cumulative Impact Assessment 	
<p>Recommendations</p> <ul style="list-style-type: none"> • It is recommended that the Environment and Climate Change Scrutiny Panel note the report. <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • The Environment and Scrutiny Panel are not being asked to adopt these policies or view the consultation responses, the adoption of the policies is dictated by the Licensing Act and is by means of the Licensing and Safety Committee considering the amendments and results of the consultation then recommending approval and adoption to Full Council. 	
<p>Resource Implications: There are no resource implications relating to this report.</p>	
Date signed off by <u>Executive Director</u> & name	David Shepherd – 6 th November 2024
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – N/A
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	David Stickley on behalf of Samantha Lawton – 6 th November 2024

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes, any personal data has been redacted for the purposes of this report.

1. Executive Summary

Statement of Licensing Policy (Licensing Act 2003)

1.1 There is a statutory requirement for the Licensing Authority to prepare and publish a Statement of Licensing Policy at least every five years. The Statement was previously approved and adopted by the Council in January 2020.

Cumulative Impact Assessment

1.2 At the meeting of the Licensing and Safety committee on Wednesday 19th July 2023, members were asked to consider the information in their report and whether there was sufficient indicative evidence to consult on proposals to introduce a 'Cumulative Impact Assessment' for both Huddersfield and Dewsbury Town Centres. Members resolved to authorise officers to commence a formal consultation, with the results of the consultation being presented to a future Committee.

2. Information required to take a decision

2.1 There is no decision required from the Environment and Climate Change Scrutiny Panel, the report is for information only due to the statutory requirement for both the Statement of Licensing Policy and the Cumulative Impact Assessment to be referred to Council for adoption.

2.2 The consultation's for both the Statement of Licensing Policy and Cumulative Impact Assessment have closed and the results have been collated and will be taken to the Licensing and Safety Committee on Wednesday 18th December 2024 for consideration and referral to Council for adoption in January 2025. Members will not be provided with the results of the consultation in this report as the requirement is for this information to be considered by the members of the Licensing and Safety Committee only.

Statement of Licensing Policy (Licensing Act 2003)

2.3 Prior to the statutory consultation of the policy taking place, the licensing service engaged with key stakeholders via online drop-in sessions. Which provided key amendments to the policy.

2.4 The proposed amendments to the policy, reflect the amendments to the Secretary of State Guidance issued under S182 of the Licensing Act 2003, in addition, Section 18, Enforcement, of the revised policy has been updated. The Service has also taken the opportunity to include further additional sections to the policy, namely: -

- Section 8 – Alcohol Toolkit
- Section 14 – Spiking Prevention
- Section 15 – Sustainable Event Management
- Section 16 – Martyn's Law
- Section 17 – Safer Night-time Economy

2.5 There is a legal requirement for the Licensing Authority to consult the persons listed in Section 3(5) of the Act, the full list of those persons consulted can be found in Section 4 of this report.

Cumulative Impact Assessment

2.6 Cumulative Impact is the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area. It must set out the evidence to support the authority's opinion, must be consulted upon before it is published, must be reviewed every three years.

2.7 The publishing of an Assessment, it sets down a strong statement of the Local Authority's intent about its approach to considering applications for the grant/variation of a premises licence and the Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. This is the reason for carrying out both consultations at the same time.

2.8 The introduction of an Assessment does not change the fundamental way in which a licensing authority deals with applications, and the matter will only be considered by way of member hearing if an application is in receipt of valid representations which provide reasons why the licensing objectives will not be upheld.

2.9 Consultation was carried out in accordance with the requirement as set out in the Licensing Act, the list of those consulted can be found in Section 4 of this report.

3. Implications for the Council

3.1 Council Plan

The issuing of licences supports the Council's vision for a strong and sustainable economy, playing a key role in the management of the evening and night-time economy.

3.2 Financial Implications

The fees charged under the Licensing Act 2003 are statutory, and as such are not set by the Local Authority, and the fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, which is based on the statutory requirements. Where a Licensing Authority exceeds these requirements, they will be required to absorb those costs themselves.

3.3 Legal Implications

Statement of Licensing Policy (Licensing Act 2003)

There is a legal requirement for the Licensing Authority to prepare and publish a statement of its licensing policy every five years, in January 2025 it will be five years since the previous revised policy was adopted.

When reviewing responses to the consultation, due weight and consideration must be given to all representations including, where appropriate, why some (if any) have been disregarded. This is so in the event the policy is challenged, the Authority can evidence to a Court the rationale for the decision.

Cumulative Impact Assessment

The introduction of any policy opens the Council to risk of Judicial Review.

As the introduction of a Cumulative Impact Assessment will not impact existing operators, only new applications or applications to vary a premises licence, officers consider the risk of Judicial Review to be low.

3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

An Integrated Impact Assessment has been completed for both the Licensing Act Policy and the Cumulative Impact Assessment.

4. Consultation

Statement of Licensing Policy (Licensing Act 2003)

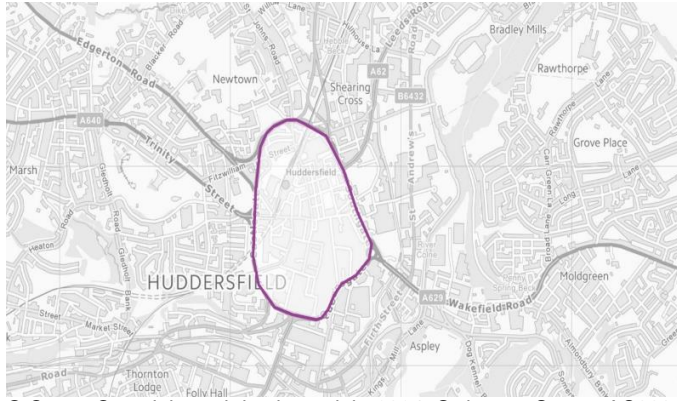
4.1 Consultation has been carried out in accordance with the requirements as set out in the Licensing Act 2003. The consultation period was 8-weeks from Thursday 18th July 2024 to Wednesday 11th September 2024. Those consulted are follows: -

- All Elected Members
- All Local MPs
- Parish and Town Councils
- All licence holders
- All Responsible Authorities:
 - West Yorkshire Police
 - West Yorkshire Fire Service
 - Environmental Health and Health and Safety at Work
 - Planning
 - Public Health
 - West Yorkshire Joint Services (Trading Standards)
 - Secretary of State (Immigration Enforcement)
 - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS
- Members of the Public and local businesses via Council Comms

Cumulative Impact Assessment

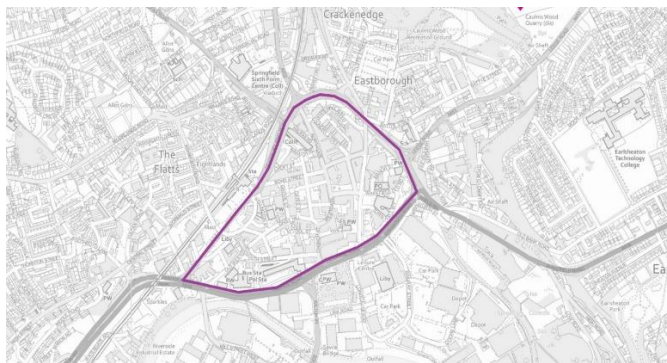
4.2 The purpose of the consultation was to seek a wider view on the impact the number of premises licensed to sell alcohol is having (relating to off-sales only), within Huddersfield Town Centre and Dewsbury Town Centre, and whether those consulted feel that there is a need to publish a Cumulative Impact assessment for the areas shown below: -

Huddersfield Town Centre



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Dewsbury Town Centre



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 - Kirklees Safeguarding Children Partnership
- The Council's Climate Team
- Community Safety Partnership
- Chamber of Commerce
- Huddersfield BID
- Huddersfield University
- Huddersfield NHS

- Members of the Public and local businesses via Council Comms
- Letters hand delivered to local businesses in both Huddersfield and Dewsbury Town Centre.

5. Engagement

Statement of Licensing Policy (Licensing Act 2003)

5.1 Prior to the commencement of the statutory consultation engagement sessions were held with the following, which involved input into the proposed revisions within the policy. Those involved in the engagement process were as follows: -

- Police / Counter Terrorism Officers
- Environmental Health
- Public Health
- Emergency Planning
- Climate Team
- Safer Kirklees Council
- West Yorkshire Joint Services – Trading Standards

Cumulative Impact Assessment

Prior to consultation the licensing service engaged with colleagues in public health and with data provided by West Yorkshire Police found there was indicative evidence to support the theory that there are links between crime and the sale of alcohol in both Huddersfield and Dewsbury Town Centres.

6. Options

6.1 Options considered

Members of the Environment and Climate Change Scrutiny Panel are asked to note the report.

6.2 Reasons for recommended option

The Environment and Climate Change Scrutiny Panel are not being asked to adopt these policies, the adoption of the policies is dictated by the Licensing Act 2003 and is by means of the licensing and safety committee considering the amendments and results of the consultation then recommending approval and adoption to Full Council.

7. Next steps and timelines

7.1 The road map for the Reports is as follows:

- Engagement with Responsible Authorities and other partners pre consultation Licensing Act Policy only. {Completed}
- 8-week statutory consultations for both Licensing Act Policy and Cumulative Impact Assessment– commenced Thursday 18th July 2024 and ended Wednesday 11th September 2024. {Completed}
- Collation of consultation responses and drafting of both Licensing and Safety Reports. {Completed}
- Tuesday 8th October 2024, brief DLT. {Completed}

- Wednesday 6th November - brief SLT {Completed}.
- Tuesday 19th November – brief ELT
- Wednesday 20th November – brief Scrutiny
- Thursday 21st November circulation of Licensing and Safety Committee reports to Finance, Legal, Executive Director for sign off (this includes the Licensing Services Update Report as well as the Licensing Policy and CIA reports).
- Friday 6th December deadline for reports to go to Governance.
- Wednesday 18th December 2024, present report's to Licensing and Safety Committee with recommendation that committee recommend to Council that the Statement of Licensing Policy and Cumulative Impact Assessment are adopted.
- Wednesday 15th January 2025, Full Council for policy adoption.

8. Contact officer

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 Group Leader – Licensing
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9. Background Papers and History of Decisions

[Agenda for Licensing and Safety Committee on Monday 6th January 2020, 10.00 am | Kirklees Council](#)

[Agenda for Licensing and Safety Committee on Wednesday 19th July 2023, 10.00 am | Kirklees Council](#)

10. Appendices

N/A

11. Service Director responsible

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 Service Director – Environment Strategy and Climate Change
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