Licensing Committee 4 September 2018


Wards: All

Report Authorised by: Strategic Director for Neighbourhoods and Growth: Sue Foster

Portfolio: Cabinet Member for Neighbourhoods:

Contact for enquiries: Nicole Terrieux, Licensing and Technical Services Manager, 020 7926 1234, NTerrieux@lambeth.gov.uk

Special Circumstances Justifying Urgent Consideration

This report seeks authority to undertake statutory consultation for the purpose of adopting a revised statement of licensing policy. That document is intended to replace the extant policy which is due to lapse on 30th January 2019. Chair was of the opinion that although the meeting has not been convened with at least five clear days’ notice, it should proceed now as a matter of urgency to consider the attached report because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

Executive summary

The Council is required to publish a statement of licensing principles every 5 years. The purpose of the policy statement is to define how the Council’s responsibilities under the Licensing Act 2003 are going to be exercised and administered. Lambeth’s existing statement of licensing policy (2016-2019) expires on 29th January 2018 and is now due for review and renewal.

Since May 2017, officers have engaged with the Responsible Authorities and key stakeholders and this exercise has resulted in the development and preparation of the consultation draft Statement of Licensing Policy attached at Appendix A.

This report seeks Committee’s authority to conduct a statutory consultation process about the contents of the draft Policy. This will provide an opportunity for the local community amongst others to comment on the same. All comments received will to be taken into account before its formal adoption by Full Council and a further report shall be brought to Licensing Committee for that purpose.
Finance summary

The review of the statement of principles will be funded from existing budgets, and there are no further financial implications arising from the recommendations of this report.

Recommendations

1. That the Committee note the contents of this report.
2. That the Committee approves for public consultation the draft Statement of Licensing Policy 2019 - 2024 appended to this report.
3. Instruct officers to consult for a period of 6 weeks on the draft Policy commencing on 10th September 2018.
1. **CONTEXT**

1.1 As you are aware, the Licensing Act 2003 requires the Council, as the Licensing Authority, to determine and publish a Statement of Licensing Policy at least once every five years. Lambeth’s current Licensing Policy runs from 30/01/2014-29/01/2019. A new policy for the borough is therefore required, to be published and applicable from 30th January 2019 onwards.

2. **PROPOSAL AND REASONS**

2.1 Beginning in May 2017 officers began to engage Responsible Authorities and key stakeholders in order to review the current Statement of Licensing Policy and prepare for the development of a new Statement of Licensing Policy to take effect from 30 January 2019. In June of this year the Council contracted Safe Sociable London Partnership to undertake further stakeholder engagement, to review, update and draft a new draft Statement of Licensing Policy to undertake public consultation on the new Statement of Licensing Policy.

2.2 As required under the Licensing Act 2003 the following stakeholders and Responsible Authorities have been consulted as part of the review of the previous Statement of Licensing Policy and the development of the new draft Statement of Licensing Policy:

- Business Improvement Districts – Waterloo, Southbank, Vauxhall, Streatham, Brixton and Clapham.
- Safer Neighbourhood Partnership Chair of Chairs and Waterloo Chair.
- The British Beer and Pub Association and Hospitality UK (part formerly the ALMR).

2.3 Reviewing the existing Statement of Licensing Policy and updating for changes in legislation and best practice included:

- Using the London Statement of Licensing Policy review criteria to assess existing 2014-2019 SLP.
- Assessing changes in legislation, the s182 Guidance and other developments more widely (for example the Mayor’s Vision for London as a 24-Hour City).
- Building on the findings from the Council’s review work in 2017.
- Benchmarking against other Local Authorities Statement of Licensing Policy, and identifying new approaches and best practice in the more recent Statements of Licensing Policy to be published.

2.4 A draft Statement of Licensing Policy has now been produced that takes into account all the factors and engagements outlined above (Appendix A). The draft Statement of Licensing Policy maintains some of the key successful elements of the current Statement of Licensing Policy, makes changes to the structure and language to ensure ease of access and understanding of the positions outlined in the draft document, clarifies some aspects of the current Statement of Licensing Policy, and adds some new areas which address legislative or s182 Guidance changes, or reflect matters raised in review and stakeholder engagement.

2.5 The key changes in the draft include the following points:

- The addition of text on immigration and modern slavery responsibilities.
- A clearer statement on alignment with the Planning regime (as outlined in s182 Guidance).
- A statement on the alignment with the Mayor’s Vision.
• An updated section on aspirations and intent, including a clearer statement of support for compliant, well-regulated business.
• A clearer statement on the process for applications, including a table of the Responsible Authorities and their contact details and a statement about the requirement to have appropriate immigration status.
• A clearer statement on the policy for licencing fees and the actions taken if these are not paid when due.
• A clearer statement on partnership working, both between Responsible Authorities and between officers and businesses and communities.
• A clearer policy on enforcement approaches.
• A policy on outside spaces, in terms of expectations around uses and management.
• An expectation in the TENs policy that these will be accompanied with evidence of appropriate permissions to use public or Council owned land and venues.
• Updated information on the policy for Cumulative Impact (as outlined in the s182 Guidance).
• An amended preferred hours policy to include preferred opening hours for some venue types of 11 am.
• An amended and expanded age verification policy.
• A policy on consideration of potential resource impacts falling on the Council.
• An extended policy on health, including expectations outlined by Public Health.
• A new policy on delivery services, and the expectations that will be specific to them.
• A new policy on dispersal and entry to licensed premises.
• A new policy on sexual entertainment venues.
• Additional delegations for revocation of club premises certificates and personal licences for consideration by the Licensing Sub-Committee.
• An updated appendix outlining preferred hours of operation for different types of venues in different locations.

2.6 The draft Statement of Licensing Policy is intended to be put out for public consultation in September. This is a statutory requirement under the Licensing Act 2003. The consultation period is proposed to be 6 weeks. The consultation will be conducted online to ensure maximum access for Lambeth residents and businesses. We will be using the Council consultation website to conduct the consultation, using a mix of questions with agree/disagree options for answers, questions with free-text answers and an option to attach longer responses documents. The consultation will be promoted through the Council website, social media and stakeholders have been asked to cascade emailed information through their networks.

2.7 Safe Sociable London will be analysing responses to the consultation as they are submitted to ensure maximum time available for analysing responses and reporting on any amendments for inclusion to the draft Statement of Licensing Policy.

3. **FINANCE**
3.1 Costs associated with the review of the Statement of Licensing Policy and consultation process will be funded from existing budgets.
4. **LEGAL AND DEMOCRACY**

4.1 The London Borough of Lambeth is a Licensing Authority for the purposes of the Licensing Act 2003 (the Act).

4.2 Section 5(1) of the Act requires a licensing authority to determine and publish a statement of its policy with respect to the exercise of its licensing functions under the Act, every five years. During this period, the policy must be kept under review and the licensing authority may make such revisions to it, at such times, as it considers appropriate. The extant policy was adopted in January 2014 and the fresh Policy needs to have been determined and published by no later than 29th January 2019.

4.3 When preparing its licensing policy, the Council is required to have regard to the promotion of the four licensing objectives specified at Section 4 of the Act, namely:
   - the prevention of crime and disorder
   - public safety
   - the prevention of public nuisance
   - the protection of children from harm

The Council is also required to have regard to the statutory guidance issued by the Secretary of State under Section 182 of the Act.

4.4 Under the Council’s constitution (page 32, Part 2 – Section 1), the Licensing Committee’s remit includes the power: “To exercise the functions, powers and duties of the Council in relation to all licensing matters, as required by statute”. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council’s Statement of Licensing Policy is required to be part of the Council’s policy framework and adoption of that Policy falls to be made by full Council.

4.5 Section 5(3) of the Act sets out who the Council is required to consult with. A list of such is set out in paragraph 5.2 of this report.

4.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have ‘due regard’ to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

4.2 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim.

4.3 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
5. CONSULTATION AND CO-PRODUCTION

5.1 Specifies those persons and groups with whom we must consult for the purposes of this report.

5.2 If the Committee approves the proposed Statement of Licensing Policy, we will consult with all statutory consultees, namely:

- The Chief Officer of Police for the Licensing Authority area
- The Fire and Rescue Authority for the area
- Local Health Board for an area any part of which is in the licensing authority’s area
- Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority’s area
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

5.2 In addition to the above we will:

- Host an online questionnaire on the council’s website
- Use social media to inform the public about this consultation and direct them to the questionnaire

5.3 We will then analyse the comments received and prepare any changes considered appropriate to the draft Policy for final approval and present a further report to Licensing Committee in November 2018 for recommendation to Full Council in January 2019.

6. RISK MANAGEMENT

6.1 It is a legal requirement to review the policy.

7. EQUALITIES IMPACT ASSESSMENT

7.1 An equalities impact assessment was carried out and the draft policy will not adversely affect the holders of existing premises licences, those applying to hold licenses, Responsible Authorities under the Licensing Act 2003, Council officers and potentially residents of the borough.

8. COMMUNITY SAFETY

8.1 One of the objectives in the Licensing Act 2003 is to prevent crime and disorder.

9. ORGANISATIONAL IMPLICATIONS

None.
### TIMETABLE FOR IMPLEMENTATION

#### 10.1

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>Formal public consultation, to include engagement with residents, businesses, licence holders, partners and other statutory consultees To include: Public consultation exercise via Lambeth website</td>
<td>10/09/18 – 21/10/18</td>
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<tr>
<td>Consideration of consultation responses and further revision of the Statement of Licensing Policy</td>
<td>October – November 2018</td>
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<tr>
<td>Report back to Licensing Committee asking committee to consider any further draft policy revisions and make recommendations for adoption of a final policy by Full Council</td>
<td>November 2018</td>
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<tr>
<td>Adoption of revised Statement of Licensing Policy by Full Council</td>
<td>January 2019</td>
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<tr>
<td>Publication of decision</td>
<td>January 2019</td>
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<tr>
<td>Publication of revised Statement of Licensing Policy</td>
<td>30 January 2019</td>
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### Audit trail

**Consultation**

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments. It is important that officers remember to liaise with relevant councillors such as the Cabinet Member and the relevant Ward Members.*

<table>
<thead>
<tr>
<th>Name/Position</th>
<th>Lambeth directorate/department or partner</th>
<th>Date Sent</th>
<th>Date Received</th>
<th>Comments in para:</th>
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<tbody>
<tr>
<td>Sue Foster</td>
<td>Strategic Director for Neighbourhoods and Growth</td>
<td>28/08/18</td>
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<td>Andrew Ramsden</td>
<td>Finance</td>
<td>28/08/18</td>
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<td>Jean-Marc Moocarme</td>
<td>Legal Services</td>
<td>22/08/18</td>
<td>24.08.18</td>
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<td>Jacqueline Pennycock</td>
<td>Democratic Services</td>
<td>28/08/18</td>
<td>29.08.18</td>
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<tr>
<td>Councillor Mohammed Seedat</td>
<td>Cabinet Member:</td>
<td>28/08/18</td>
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### Report history

| Original discussion with Cabinet Member | 25/07/18 |
| Report deadline                       | 21/05/18 |
| Date final report sent                | 29/08/18 |
| Report no.                            | N/A      |
| Part II Exempt from Disclosure/confidential accompanying report? | No |
| Key decision report                   | No |
| Date first appeared on forward plan   | N/A      |
| Key decision reasons                  | N/A      |

**Background information MANDATORY**

Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks. Do not list private documents (such as OB reports). Detailed procurement information will need to be provided in an internal procurement report but will not be appended to this report (and the public info. will be a background document).

| None |

**Appendices**

If (in rare circumstances) appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles.

- Annex A - Draft Statement of Licensing Policy
- Annex B - Consultation Summary Document
- Annex C - Consultation Questionnaire
- Annex D - Licensed premises by Wards