



Contains Confidential or Exempt Information	No
Title	CEX486 Result of the Licensing Policy Consultation
Member Reporting	Cllr Richard Foote, Chair of Licensing - for Licensing Committee Richard.foote@hounslow.gov.uk Cllr Katherine Dunne, Lead Member for Communities and Climate Emergency Katherine.dunne@hounslow.gov.uk
Contact Details	Peter Matthew, Executive Director, Housing, Planning and Communities Peter.matthew@hounslow.gov.uk
For Consideration By	Licensing Committee, Cabinet and Borough Council
Dates to be Considered	Licensing Committee 27 August 2020 Cabinet 8 September 2020 Borough Council 15 September 2020
Implementation date if not called in	25 September 2020
Affected Wards	All
Keywords/Index	Licensing, Policy

1. Details of Recommendations

The Licensing Committee is asked to

- 1.1 Agree the proposed changes to the *Hounslow Statement of Licensing Policy 2020 to 2025* following public consultation between 1st June and 27th July 2020.

1.2 Advise Cabinet of any additional amendments to the *Hounslow Statement of Licensing Policy 2020 to 2025* as a result of Licensing Committee.

1.3 Refer the report and its recommendations to Cabinet to note.

1.4 Request Cabinet to refer the report, any amendments and recommendations to the Borough Council

Cabinet is asked to:

2.1 Note the report, any amendments from Licensing Committee and its recommendations.

2.2 Refer the report, any amendments and the recommendations to Borough Council.

Borough Council is asked to:

3.1 Accept the report and any amendments to the policy that have been made by the Licensing Committee.

3.2 Approve the *Hounslow Statement of Licensing Policy 2020 to 2025*, which forms Appendix 1 to this report.

If the recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit, link to Values

Dates by which they can expect to notice a difference

The *Hounslow Statement of Licensing Policy 2020 to 2025* sets out the Council's legal duties under the Licensing Act 2003 and its approach to regulating licensed activities in the Borough.

Immediately on commencement of the policy.

The Policy provides guidance to new applicants, existing licence holders, residents and Members which provides consistency in decision making, builds public confidence and assists in making Hounslow a safe and vibrant borough.

It offers residents who complain of public nuisance linked directly to licensed premises or their customers' behaviour, potential additional protections (albeit ultimately limited by law).

Immediately on commencement of the policy.

It offers residents who wish to obtain a personal licence,

Immediately on

set up a licensed business or who currently operate one within the borough or who themselves are licensees, increased clarity about what the Council expects in their licence application and how it will be assessed.

commencement of the policy.

2. Report Summary

A Statement of Licensing Policy is an integral part of the licensing process and it allows the Council to inform and guide stakeholders and helps to provide consistency in decision making.

The Licensing Act 2003 demands that a council's Statement of Licensing Policy must be reviewed every five years. The Council reviewed and revised its policy in early 2020 and a number of modifications were proposed. These included making the Policy clearer overall and three significant changes:

- the review of the existing Cumulative Impact Area (with a proposal to extend it to Heston based on evidence of problems linked to licensed premises there).
- to propose clearer 'core hours' which the Council would normally expect licence applications to operate within.
- the introduction of a suite of (non-binding) 'model conditions' that would help in the preparation of licence applications.

The Council agreed to consult on the revised draft of the Policy at a meeting of the Licensing Committee on 19th May 2020.

This report informs Members about the results of this public consultation on the draft *Hounslow Statement of Licensing Policy 2020-25* ('the Policy') and asks the Licensing Committee to approve the recommended changes to the Policy at Appendix 1.

3. Reason for Decision and Options Considered

- 3.1 The draft *Hounslow Licensing Policy Statement 2020-2025* sets out the Council's approach to exercising its statutory responsibilities and functions under the Licensing Act 2003 and its accompanying S182 Guidance (updated April 2018). The *Hounslow Statement of Licensing Policy 2020-2025* forms Appendix 1.
- 3.2 The Policy must be renewed at least every five years and the current policy ends in November 2020.
- 3.3 The Cumulative Impact Assessment forms an appendix to the *Hounslow Licensing Policy Statement 2020-2025*. This must be reviewed every three years. This provides the evidence base to show where the cumulative impact of licensed premises has negatively affected the licensing objectives of

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Cumulative Impact Assessment forms Appendix 2. The map of the proposed Cumulative Impact Area (with changes to include a further additional area) of Heston forms Appendix 3.

3.4 The draft *Hounslow Licensing Policy Statement 2020-2025* proposed strengthening the link between licensing and other Council policies; it provides additional information for applicants, residents and members about how the Licensing Act 2003 will be dealt with in Hounslow; there is a revised and updated Cumulative Impact Assessment; an extended Cumulative Impact Area to include Heston; clearer core hours information and new Model Conditions (Appendix 4).

3.5 The core hours for licensed premises *were* proposed as:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

These licensing hours sought to balance the needs of the licensed trade whilst protecting residential amenity in order to promote the licensing objectives.

3.6 Before the Council approves its revised Statement of Licensing Policy, a public consultation on the draft version was required to meet the statutory duty under the Licensing Act 2003.

How the Council undertook the consultation

3.7 The consultation took place between 1st of June and 27th of July 2020.

3.8 These methods included writing to all:

- 850 premises licence holders and 4500 personal licence holders
- residents' associations
- the Borough's schools
- 'responsible authorities' as set out in the Licensing Act 2003's guidance.
- neighbouring boroughs' licensing services
- relevant Hounslow Council departments
- relevant London and national consultees, e.g. the Home Office, Mayor of London.

3.9 The council also ran a media campaign which posted newspaper adverts, the consultation was hosted online and was promoted via the council's social media channels.

Who responded to the consultation?

- 3.10 Overall, there were 122 responses to the online consultation and 13 responses via other channels (e.g. direct emails to the Council). The consultants note that this is a large response for a council outside of more high-profile licensing boroughs, such as Westminster, Camden and Hackney.
- 3.11 66% of the online surveys were from those responding as 'individuals', 17% were from 'personal licence holders' and 5% from 'premises licence holders'. The remainder were from 'others', such as Hounslow Council departments.

What were the main findings of the consultation?

- 3.12 The full findings can be found in the MAKE consultation report which forms Appendix 5 of this report, but the key findings are as follows:
- 3.13 Overall, **83%** said the draft *Hounslow Licensing Policy Statement 2020-2025* was clear. Only 2 respondents said it was unclear. To note, that where totals are less than 100%, it is mainly due to those who said they could not answer.
- 3.14 **60%** of respondents said the draft *Hounslow Licensing Policy Statement* struck the right balance between protecting the licensing objectives and allowing licensed premises to operate and invest. 21% said it was not balanced and 16% said they couldn't say.
- 3.15 **65%** felt that the draft *Hounslow Licensing Policy Statement* promoted licensing objective 1: the prevention of crime and disorder. **62%** felt that the new policy promoted licensing objective 2: the prevention of public nuisance. **63%** said that the new policy promoted licensing objective 3: public safety; and **61%** said it promoted licensing objective 4: the protection of children from harm.
- 3.16 **60%** felt that maintaining the Cumulative Impact Policy (and the extension proposed to Heston) would help promote the four licensing objectives. Only 9% said it would not promote the four licensing objectives. There were a number of respondents that couldn't say (**28%**) which may be due to the technical nature of the policy.
- 3.17 **53%** said the proposed 'core hours' policy would help promote the four licensing objectives. 24% said they felt it wouldn't. The main reason given for *not* promoting the licensing objectives was that 8am was too early to start selling alcohol. At present there are no core hours in Hounslow.
- 3.18 **56%** of respondents felt the proposed Model Conditions would help promote the licensing objectives. However, 32% couldn't say. Again, this is likely to be because the model conditions are complex.
- 3.19 The key themes raised by respondents throughout the questions were:
- a. The problems with street drinking, off-licences and takeaways across the borough
 - b. The proposed commencement core hours starting at 8am from Monday to Saturday being too early for the sale of alcohol (there was little concern about the terminal core hour) – with many suggesting 10am.

- c. The desired inclusion of the North Hyde Lane, Cranford and Osterley areas within the extended CIP area. (Heston Action Group in particular provided considerable evidence of the problems in the North Hyde Lane area).

Recommended changes as a result of the consultation

3.20 It is recommended that of the more significant findings from the consultation, these are addressed as follows:

- a. Whilst there is growing evidence of problems in the North Hyde Lane / Ringway area, currently there are only two off licences here and it is some distance from the proposed extension of the CIP south of the M4. As such, proving ‘cumulative impact’ with only two off licences would be extremely difficult. It is advised therefore that the Council treats this as an enforcement issue, whilst developing further evidence over the next two years for consideration in the next cumulative impact assessment (this must be within 3 years).
- b. That Cranford and Osterley, whilst clearly suffering from issues related to public drinking as described by residents, are not presently included in the CIP at this time (due to a current lack of multiple evidence sources). However, as per North Hyde Lane, the Council should treat this as an enforcement issue, whilst developing dedicated evidence on Cranford and Osterley over the next two years for consideration in the next cumulative impact assessment (this must be within 3 years).
- c. That the commencement of the ‘core hours’ are changed from 8am to 9am from Monday to Saturday in order reflect concerns from both the community and responsible authorities about the problems caused by early morning street drinking. The wording has been updated with these hours and changed to make clear that it is up to the applicant to demonstrate to the Licensing Committee how the granting of hours outside of the core hours will be consistent with the licensing objectives.

3.21 Additional public health data on the very serious problems caused by the misuse of alcohol in Hounslow, was provided by the Council’s public health team. This has been incorporated into an updated version of the cumulative impact assessment.

3.22 Any typos, as well as obvious and sensible changes to the wording of the Policy and the Model Conditions as suggested by respondents have been made to make these documents clearer. Any subsequent, minor changes that are necessary will be made in agreement with the Chair of Licensing and the Lead Member for Communities and Climate Emergency.

3.23 There are two options for consideration:

Option	Comments
1. Do not take into account the	This may leave the Council open to complaints

recommended changes from the consultation process.	that it has not fully considered the concerns of the community.
2. Agree the proposed changes to the draft Policy and put forward the Policy to Cabinet and Borough Council in September	This option ensures the Council has acted on community feedback where appropriate and that the Policy is updated before the deadline of November 2020.

3.6 The recommended option is Option 2.

4. Key Implications

4.1.1 The current *Hounslow Statement of Licensing Policy 2015-20* expires in November 2020. By considering the feedback from the public consultation, and where appropriate, revising the draft *Hounslow Statement of Licensing Policy* to reflect that feedback, this meets the legal requirement.

5. Financial Details

a) Financial Impact On The Budget

5.1 Any costs associated with preparing and consulting on the draft Policy is met from existing budgets.

b) Comments of the Executive Director, Finance & Resources

5.2 This report summarises the results of this public consultation on the draft Hounslow Statement of Licensing Policy 2020-25 ('the Policy'). It sets out proposed amendments to the draft policy to reflect matters highlighted by the consultation exercise and seeks approval of the Hounslow Statement of Licensing Policy 2020-25.

5.3 The Policy needs to be implemented within approved budgets.

6. Legal and Comments of the Head of Governance

6.1 The Licensing Act 2003 places a legal duty on the Council to create a Statement of Licensing Policy every 5 years

6.2 Officers have reviewed the existing Statement of Licensing Policy.

6.3 Approval to consult on the draft Statement of Licensing Policy is a function reserved to the Licensing Committee under the Council's Budget and Policy Framework under the Council's Constitution

6.4 The policy must be adopted by Borough Council.

7. Value For Money

7.1 The Licensing Policy sets out the general approach of the Council when carrying out its licensing functions with respect to the Licensing Act 2003. A clear and robust

Policy sets out the Council's expectations and provides for consistency in decision making. An up to date policy could reduce the risk of licensing appeals and other challenges to the Courts and the associated costs to the Council.

8. Sustainability Impact Appraisal

8.1 Not applicable

9. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
The Council does not adopt a new policy.	Potential legal challenges.	Consult on and agree final <i>Statement of Licensing Policy 2020-25</i>	Council adopts new <i>Statement of Licensing Policy 2020-25</i> by November 2020 which is fit for purpose and up to date.

10. Links to Council Priorities

10.1 The Hounslow *Statement of Licensing Policy 2020-25* must balance the right of a person or business to make an application for a licence, against the right of a person to object to an application. An effective balance will help relevant businesses to develop successfully whilst providing assurance to the public.

This assists in the Council's strategic priorities where:

- People live in good homes and pleasant neighbourhoods
- Children reach their potential
- People are safe
- Residents receive the right help and support.
- Businesses flourish, and local people enjoy good quality local jobs
- Residents are at the heart of what the council does

11. Equalities, Human Rights and Community Cohesion

11.1 The Council must have due regard to its Equality Duty under the Equality Act 2010 and consider the potential effect of any policy changes on people with protected characteristics which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council should also consider whether the Policy could be used to advance opportunities and foster good relations between different groups within the community.

11.2 Officers have undertaken an Equalities Impact Assessment on the draft *Statement of Licensing Policy 2020-25* and considered whether the Policy could be a vehicle to

advance opportunity and foster good relations between those with protected characteristics. The following is noted:

- Supporting the role of licensed venues and events at the heart of the community, such as pubs, restaurants, cultural venues, community venues and events.
- Ensuring children (*age protected*) are protected from harm.
- Those with a disability are able to enter and enjoy licensed premises as far as is practically possible.

The Equalities Impact Assessment forms Appendix 6.

12. Staffing/Workforce and Accommodation implications:

12.1 Not applicable.

13. Property and Assets

13.1 Not applicable.

14. Any Other Implications

14.1 Not applicable

15. Consultation

15.1 Following the Consultation Panel, the nature of the proposed changes, the possible impact on businesses and the current Covid 19 crisis, the panel recommended that the period of consultation should be 8 weeks. This was followed and provided appropriate time for stakeholders to assess the potential changes and to provide a response.

16. Timetable for Implementation

16.1 Following the public consultation, Members are asked to consider the responses from the public, review the recommendations on changes to the policy and agree these (or other changes as they deem appropriate) in order for a final *Statement of Licensing Policy 2020 to 2025* be produced and referred to Cabinet and the Borough Council for approval in September 2020. This will enable the new policy to be in place for November 2020 when the existing Licensing Policy expires.

17. Appendices

Appendix 1: Draft Statement of Licensing Policy 2020-2025
Appendix 2: Cumulative Impact Assessment
Appendix 3: Map of proposed Cumulative Impact Area
Appendix 4: Model Conditions
Appendix 5: Consultation report and findings
Appendix 6: Equalities Impact Assessment

18. Background Information

18.1 None

REPORT ENDS