

MIDDLESBROUGH COUNCIL

AGENDA ITEM

COMMITTEE REPORT

LICENSING COMMITTEE

24 FEBRUARY 2025

REPORT OF THE DIRECTOR OF ENVIRONMENT & COMMUNITY SERVICES

**APPROVAL OF STATEMENT OF LICENSING POLICY 2025 – 2030 AND
CUMULATIVE IMPACT ASSESSMENT 2025 - 2028 Ref: 4/25**

Purpose

This report is to seek the Committee's approval of the Council's Statement of Licensing Policy 2025-2030 and Cumulative Impact Assessment 2025-2028.

Recommendations

The Committee is recommended:

- 1. To approve the Statement of Licensing Policy 2025 – 2030 and Cumulative Impact Assessment 2025 - 2028; and**
- 2. To recommend to Full Council that the Statement of Licensing Policy 2025 – 2030 and Cumulative Impact Assessment 2025 - 2028 be ratified.**

Rationale for recommended decision(s)

The Statement of Licensing Policy and Cumulative Impact Assessment must be ratified by full Council in order to be fully adopted and implemented.

Background and relevant information

Section 5 of the Licensing Act 2003 ("the Act") requires Licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act. Such statements are to apply

across a stated five-year period. Pursuant to the Act, the Council's Statement of Licensing Policy must be approved by Council. During each five-year period the Council must keep its Licensing Policy under review and make such 'revisions as it considers to be appropriate'. The Statement of Licensing Policy is considered when the Council exercises its functions under the Licensing Act.

The purpose of the Policy is to promote the four Licensing Objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

The Council's previous Statement of Licensing Policy took effect on 1 January 2017 and had application until 31 December 2022. Due to the impact of the Coronavirus pandemic, it was not possible to review the Policy and Cumulative Impact Assessment at the appropriate time.

Since the introduction of the Licensing Act in 2005, the Council has implemented Cumulative Impact Policies for certain types of premises. The previous policy included cumulative impact policies for the following areas:-

On and Off Licensed premises

Town Centre – see map in CIA at Appendix 3

Off Licensed premises only

Central
Newport
Park
Longlands & Beechwood
North Ormesby

These policies were implemented based on evidence in relation to:-

- Local crime and disorder statistics including statistics on specific types of crime and crime hotspots;
- Statistics on local anti-social behaviour offences;
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- The density of licensed premises; and
- Evidence obtained through local consultation

Since 6th April 2018, an amendment to the Licensing Act was introduced by the Policing and Crime Act 2017, that placed a duty on Licensing Authorities

intending to implement a Cumulative Impact Policy to carry out a cumulative impact assessment to evidence the justification of such policy.

Section 5(a) of the Act states that a Licensing Authority may publish a Cumulative Impact Assessment (CIA) to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. This includes serious problems with disorder and nuisance. CIAs relate to applications for new premises licences and club premises certificates, and applications to vary existing premises licences and club premises certificates in a specified area. Where a Licensing Authority publishes a CIA, it must, before the end of a three-year period, consider whether it remains of the opinion set out in the assessment.

A Draft Statement of Licensing Policy and Cumulative Impact Assessment have been developed in accordance with the Act. Officers believe that the evidence provided in the cumulative impact assessment justifies the inclusion of three additional ward areas as follows:-

Park End & Beckfield
Brambles & Thorntree
Berwick Hills & Pallister

A consultation exercise has been carried out with statutory consultees and wider partners. The consultation ran for a period of 8 weeks from 1 July 2024 until 26 August 2024.

Following the consultation on the Draft Policy and CIA, 10 responses were received, including from Cleveland Police, the Office of the Cleveland Police and Crime Commissioner and the Council's Public Health/Licensing officers. Details of the consultation responses along with the Officers' responses are shown in the table attached at Appendix 1.

In consideration of the responses to the consultation a number of amendments have been made to the Statement of Licensing Policy including the following:-

- Drink and Needle spiking (Paragraph 5.5)
- Violence against women and girls (Paragraph 5.6)
- Counter Terrorism – Terrorism (Protection of Premises) Bill, also known as “Martyn’s Law” (Paragraph 5.7)
- Public Space Protection Orders, including problems associated with street drinkers (Paragraph 5.1)
- The role of Public Health and its influence on licensing decisions (Paragraph 3.11)

In addition, amendments to the Draft Policy have been made in relation to matters concerning Child Sexual Exploitation (paragraph 8.1) and alcohol delivery services (paragraph 9.6).

Minor amendments have also been made to the CIA. The revised draft policy and CIA are shown in Appendix 2 and 3 respectively. For ease of reference the amendments made to both documents have been highlighted in red and emboldened. A list of consultees is provided in the Draft Policy document.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

The annual fee levels paid by holders of premises licences are set by the Secretary of State and are intended to provide for full cost recovery of all licensing functions including the preparation and publication of the Statement of Licensing Policy and Cumulative Impact Assessment. The current fees produce income of £181,500. The annual fee levels have not been reviewed since the introduction of the Act in 2005 and they do not cover the cost of delivering the licensing functions. Annually, there is a £50,700 pressure on this budget.

Legal

The Council is under a legal duty to formally approve the adoption of its Statement of Licensing Policy and Cumulative Impact Assessment. The policy is required to be reviewed every 5 years and the Cumulative Impact Assessment every 3 years. A decision by full Council to approve a new policy will remedy the current position of being without a policy.

Risk

The Licensing Policy is a requirement of the Licensing Act 2023 to support the Council in assessing applications and other processes under this legislation.

Human Rights, Public Sector Equality Duty and Community Cohesion

An initial Impact Assessment has been carried out and no negative or adverse impacts have been identified.

Climate Change/Environmental

Not applicable.

Children and Young People Cared for by the Authority and by Care Leavers.

Not applicable.

Data Protection

Not applicable.

Appendices

1. Table of responses to consultation on Draft Statement of Licensing Policy and Cumulative Impact Assessment.
2. Final Draft Statement of Licensing Policy.
3. Final Draft Cumulative Impact Assessment.

Background papers

The following background papers were used in the preparation of this report:-

Guidance issued under Section 182 of the Licensing Act 2003.