



Report to Licensing Committee

Date: 22nd July 2021

Title: New Statement of Licensing Policy, Licensing Act 2003

Author: Simon Gallacher, Principal Licensing Officer (Aylesbury Vale area)

Recommendations:

1. To agree the content of the draft new Licensing Policy Statement for Buckinghamshire Council as required under the Licensing Act 2003.
2. To agree the commencement of a public consultation on the new Buckinghamshire Council Licensing Policy.

1. Introduction

- 1.1 In accordance with the Licensing Act 2003 (the 'Act'), Buckinghamshire Council, in its role as licensing authority, is responsible for authorising the sale and supply of alcohol and the provision of regulated entertainment and late night refreshment. Licensable activities are authorised by way of licences, certificates and notices.
- 1.2 The promotion of statutory licensing objectives are fundamental to any decision concerning licensing matters:
 - preventing crime and disorder;
 - public safety;
 - preventing public nuisance;
 - protecting children from harm.
- 1.3 The Licensing Authority has a legal obligation to publish a licensing policy statement, 'Policy', which set out its approach to promoting the licensing objectives when performing its licensing functions. The Policy is also an opportunity to promote and encourage adherence to other council policies, priorities and strategies. A number of such areas have been identified, many of which not only promote the licensing objectives but also Buckinghamshire Council's key priorities.
- 1.4 A Policy must be published every five years under the Act, following a period of formal consultation and review. The Council's licensing service is currently operating

under separate legacy policies reflecting the four former district council areas. Under the terms of the transitional legislation, Buckinghamshire Council has two years to prepare and publish a new single licensing policy under the Act and align service provision. The deadline for publication and implementation of the new Policy is no later than 1 April 2022.

- 1.5 A pre-draft policy consultation exercise has been carried out and the results have helped shape Buckinghamshire Council's first draft Licensing Policy Statement. **It is proposed that historic cumulative impact and special hours policies are not included in the new draft Policy due to lack of sufficient required supporting evidence.** Subject to agreement by the Licensing Committee, the draft Policy will be consulted upon widely for a period of 6 weeks. The results of the consultation will be reported back to the Licensing Committee for further consideration prior to referral to Full Council for adoption.

2. Background

- 2.1 The content of Licensing Act policies is prescribed by legislation and statutory guidance published by the Secretary of State (Section 182 guidance) to which the council must have regard.
- 2.2 Prior to publishing its Policy, the Act requires the Licensing Authority to consult with the police, fire authority, public health authority and representatives of local licence holders, businesses and residents.
- 2.3 The Licensing Authority must also publish a summary of any cumulative impact assessments (CIA) and explain how it has regard to these assessments. A CIA is an evidenced based document that licensing authorities may publish in respect of area(s) where it is determined that the number of licensed premises is such that to grant further authorisations would undermine the duty to promote the licensing objectives.
- 2.4 The Section 182 guidance sets out further policy areas that it is recommended be included in the policy statement:
- Fundamental principles: promoting the four licensing objectives and the rights of parties to make application, representation and seek review of a licence.
 - The council's approach to conditions: focus on matters within the licence holder's control and avoid duplication with other regulatory regimes.
 - Approach to enforcement.
 - Facilitating a broad range of entertainment.
 - Commercial demand or 'need' not to be a consideration.

- Consideration of Public Space Protection Orders (PSPOs) typically used to control anti-social street drinking.
- Licensing hours.
- Admission of children.
- Integrating strategies.
- Promotion of equality.
- Delegation of functions.

2.5 The above areas have been addressed in the draft version of the Policy, shown at Appendix 1.

Pre-draft Policy consultation

2.6 The Licensing Service has conducted pre-draft policy engagement consultation to elicit the views of stakeholders on a number of key policy areas summarised below. The consultation was conducted by way of an online survey, open from 14 May to 8 June 2021. The survey was shared with all responsible authorities, all ward councillors, all town and parish councils, licence holders, business representatives, groups working with those with alcohol dependencies and community safety.

2.7 Survey respondents were asked to describe their role: resident (or resident representative), business (or business representative), ward councillor, responsible authority, town or parish council and other. In total 107 responses to the survey were received which incorporated representatives from 156 roles. The response by role type indicates that the response to the survey was broadly representative of the key stakeholders

Role type	Response rate
Residential interest	30.8%
Business interest	23.1%
Councillor ward/parish/town	35.3%
Responsible authority	4.5%
Other	6.4%

2.8 A copy of the pre-engagement survey questionnaire is shown at Appendix 2. The Council's Business Intelligence team collated and analysed the survey results and a summary of key findings is shown at Appendix 3. The results of the survey have informed the preparation of the draft version of the new Policy, as summarised below.

2.9 Cumulative Impact – Aylesbury town centre.

- 2.10 'Cumulative impact' is about the concentration of licensed premises in a particular area and the impacts of this. In some areas licensed premises that sell alcohol and late night food and drink can contribute to nuisance and/or public disorder problems. These issues can arise when a large number of drinkers gather in one area when leaving a premises at closing time, or queuing for food or public transport. Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. Where there is evidence of this, licensing authorities can introduce a 'cumulative impact' policy with the effect that a licence application that it is considered would have a negative impact will probably be refused. These policies must be supported by evidence and, as a result of a change to the Act in 2018, this evidence must include a formal assessment document published and reviewed at least every 3 years.
- 2.11 Currently only Aylesbury town centre has a cumulative impact policy. Evidence from the police and local residents has historically supported the view that a high concentration of late licensed premises has had a detrimental impact and contributed to public nuisance and crime and disorder. The existing legacy area policy states that "high risk" late night premises such as late night bars and nightclubs that sell alcohol or takeaway food will be refused licences to trade after 00.30. All other premises are not permitted to open after 02.30. An assessment of the Aylesbury town centre cumulative impact policy was last presented to and considered by the Licensing Committee in 2015.
- 2.12 Town centres and licensed premises have been significantly affected by the Covid-19 pandemic and this means that there is limited recent evidence to support a meaningful assessment of the Aylesbury town centre policy. Survey respondents were asked to indicate whether or not they support a proposal to remove the cumulative impact policy for Aylesbury town centre but keep the area under review.
- 2.13 The majority of respondents, 82%, supported the removal of the cumulative impact policy. Comments supporting respondents' views can be summarised as follows:
- Support businesses re-establishing themselves and in particular the night time economy, post Covid-19.
 - Need for regular review given the lack of evidence post pandemic and easing of lockdowns.
 - A recommendation that applications should be scrutinised on a case by case basis, that the blanket approach is unhelpful.
 - Concern over the negative impacts on the town and its residents of late night alcohol sale & consumption.

- 2.14 In response to the pre-engagement survey, Thames Valley Police submitted an evaluation report, with a review of the current licensing and cumulative impact policy relating to Aylesbury town centre. A copy of the report is shown at Appendix 4. The report contains details of the number of current licensed premises within the town centre and a description of how this figure has increased since 1999. The report focuses on the ongoing challenges of policing the night time economy in the town centre area and is supported with a statement from a Town Centre Neighbourhood Police Officer (appendix B). An analysis of offence types for the period 2018 to 2021 is included (appendix C).
- 2.15 It is the police's view that while the figures show a slight decrease in town centre incidents, they show a "clear link between violent crime and the changing profile of licensed premises in Aylesbury Vale". Appendix D shows a list of control measures that the police would like to see implemented, or maintained, to address their concerns in relation to policing Aylesbury town centre.
- 2.16 Of direct relevance to the current cumulative impact policy is specific mention of a "more restrictive policy to trading hours for high risk premises". The reason provided for this is that the police consider that customers do not gradually disperse from venues but leave "en-masse" and that by extension this leads to greater risk of disorder. They consider that if premises are permitted to open later then this results in disorder occurring later in the evening.
- 2.17 Statutory guidance to licensing authorities states that decisions concerning cumulative impact must be supported by evidence, which is "robust and relevant to the current problems described", (Section 182 Guidance, paragraph 14.36). Without this, a cumulative impact policy should not be retained and licensing decisions may be open to legal challenge. Based on the statistics provided by the Police for the period 2018-21, it is respectfully argued that they do not appear to readily show the asserted causal link between late licensed premises and crime and disorder. The statistics show that some violence offence types (public order and anti-social behaviour) have increased year on year, including for the period 2020/21 when late licensed premises largely remained closed due to covid-19 restrictions. Other violence type offences (common assault and actual bodily harm) have declined year on year, from 2018/19 to 2020/21. Offences by day of the week appear to fluctuate year on year, and while there was a small decrease on Saturdays, there has been a significant increase shown on Fridays from 2019/2020 to 2020/21, when most late licensed premises have again remained closed due to covid-19 restrictions. Offences by time period show offences declining for the period after midnight, with a noticeable decrease between 02:00 and 03:59, between the years 2018/2019 and 2019/2020. The view provided within the Neighbourhood Police Officer's statement is that disorder increases beyond 03.00 hours, until 04.00 or 05.00 hours, with "the issue being that the drinkers have no more venues to go to". On this basis it could

be argued that the stated problems of disorder could be mitigated by allowing venues to open later thus staggering the dispersal of people leaving the premises.

- 2.18 In accordance with the Section 182 guidance, licensing authorities should look to the police, in their role as a responsible authority, as the main source of advice on crime and disorder. It is evident from the Police report and opinions expressed by police officers responsible for policing the night time economy, that the historic cumulative impact policy has been an effective tool in containing the negative impacts of late night licensed premises. The Police advise that restricting the terminal hour in cumulative impact areas facilitates effective policing by allowing limited resources to be more effectively planned and targeted, reducing policing costs. Furthermore, they state that encouraging less alcohol led premises to open reduces further the risk of problems occurring.
- 2.19 Whilst these views are valid they must be balanced against the available evidence provided and the views of all stakeholders. While there are clear concerns from the police that the removal of the cumulative impact policy linked to “high risk premises” will lead to an increase in crime and disorder related issues (and therefore in the costs of policing), the available evidence at this stage is arguably inconclusive. Furthermore, over 82% of stakeholders responding to the survey support the view that the cumulative impact should be removed but kept under assessment going forward
- 2.20 The removal of a cumulative impact policy does not affect the right of any party, including the police, to make representation based on the promotion of the licensing objectives, which can include cumulative impact effects. The police can use their powers under the Act to seek a formal review of the licence of any premises associated with crime and disorder concerns.
- 2.21 Cumulative impact policies can be re-introduced if supported by an assessment of the available evidence. In light of the concerns raised by Thames Valley Police, whilst the evidence presented to date does not appear to support a cumulative impact policy, it is proposed that the Licensing Authority commit to keeping the matter under review. It is proposed that council officers conduct a thorough review of the evidence related to cumulative impact and report back to the Licensing Committee for further assessment after 12 months following the adoption of the Policy. The types of evidence to be assessed is set out in the draft Policy and is as follows:
- a) Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
 - b) Statistics on local anti-social behaviour offences.
 - c) Health-related statistics such as alcohol-related emergency attendances and hospital admissions.

- d) Complaints recorded by responsible authorities in relation to licensed premises, which may include complaints raised by local residents or residents' associations.
- e) Representations in response to licence applications that cite cumulative impact as an issue.
- f) Response to surveys with key stakeholders.
- g) Evidence from ward, town and parish councillors.
- h) Evidence obtained by, or on behalf of, the Licensing Authority, for example details of existing licensed premises, complaints to the licensing service and observational reports.

2.22 Many of the other control measures proposed by the police beyond the restricted hours proposal have been incorporated within the draft Policy, in some instances with modification. Appendix 5 contains a summary of the police's control measures and the related Policy measure where applicable.

Cumulative impact – other areas

2.23 Respondents to the pre-engagement survey were asked if they thought any other areas of Buckinghamshire were impacted by a concentration of licensed premises and may require specific policies. Five other areas were mentioned in the survey as being impacted by a high concentration of licensed premises: High Wycombe, Marlow, Beaconsfield, Buckingham and Amersham on the Hill. While no supporting evidence has been submitted to support this view at this stage, these areas will be closely monitored by the licensing service with a view to considering the introduction of CIA policies if evidence supports this approach. The Police have not provided evidence to support this approach in any area other than Aylesbury town centre.

Special Hours Policy - Buckingham

- 2.24 Under the Licensing Act 2003 applicants can apply for any hours they wish. Each application must be considered on its own merits and the council cannot impose fixed closing times. However licensing authorities can choose to publish special hours policies to advise licence applicants of the likely approach the authority will take when considering terminal hours in a particular area (or zone) or of a particular type, e.g. pubs, nightclubs, hot food takeaways. Special hours policies often set a preferred closing time(s) by premises type, area or both.
- 2.25 Historically in Buckingham there have been links between late licensed premises, an influx of students from the university and disturbance to residents living in close proximity. Over the course of time, as a result of numerous disputed applications, an approach has evolved whereby generally licences have been granted for the sale

of alcohol no later than 01.00 hours with 01:30 hours closing time. This approach has been encapsulated in a terminal hours policy for Buckingham’s town centre. This policy means that any application after midnight is subject to closer scrutiny and applications after 01:30 hours are likely to be refused.

2.26 While historically the policy has not been treated as a ‘cumulative impact policy’ (as it not based on the concentration of licensed premises) the policy approach still needs to be supported by evidence. There is very little tangible evidence of problems arising in relation to Buckingham’s licensed premises in recent times. However responses to the consultation survey are evenly split with 46% in favour of removal of the special hours policy approach and 47% in favour of maintaining it. In terms of written comments, the following themes have emerged:

- The need to adopt a flexible approach to support business, post the Covid-19 pandemic
- The special hours policy had served the town well over recent years and that the current situation is due to its success
- The need for more information and analysis
- The importance of taking each case/application on its own merits
- Concern for residents of the town and the desire to protect them from potential noise and disturbance

2.27 The special hours policy approach evolved from historical decisions on licence applications and the area now sees very few late night licence applications. Those in favour of retaining the policy have argued that it is precisely because of this approach that very few late applications are received. However, the current policy is based on information last reviewed in 2015 when the following matters were considered as supporting evidence:

Supporting evidence provided in 2015	Situation in 2021
The number of late licensed premises, notably the number of wet-led premises and late night destination venues	Many of these premises no longer operate late and are typically more food-led.
The mixed use nature of the town, with residential and business dwellings in close proximity coupled with a large student population.	Many of the licensed premises no longer operate late. A review of council records show that in recent years the presence of the student population has not been cited as grounds for complaint. Information provided to the licensing service anecdotally from the



	university suggests that students are more inclined to remain on the university campus and use the facilities provided via the student union.
Noise levels and complaints	A review of council records since 2015 shows that there have been very few complaints made to the council's licensing or environmental health service concerning late night noise and licensed premises.
Policing in Buckingham. Historically the majority of calls to police in the area have related to 'street noise' and anti-social behaviour.	No evidence has been provided by the police to suggest that crime and disorder associated with licensed premises is an issue in Buckingham.
Transport provision. Public transport provision late at night solely consists of taxi and private hire vehicles. The risk of private hire drivers illegally plying for hire late at night was historically cited as evidence to support the terminal hours policy.	There is no evidence to support this view at present and recent enforcement operations in Buckingham have found no evidence of illegal plying for hire in this area. Furthermore, the new taxi and private hire licensing policy and removal of the former hackney carriage zones will potentially increase the availability of hackney carriages should there be a demand.

2.28 While opinion from respondents is split, it appears that there is insufficient evidence at present to support the retention of a special hours policy for Buckingham. It is proposed that a special hours policy is not included in the new draft Policy for Buckingham. The Licensing Service will continue to monitor and record emerging evidence that indicates that the operation of late licensed premises are associated with negative impacts such as public nuisance and crime and disorder. Relevant evidence may be provided by way of complaints to the Licensing Service, matters raised in representations to applications and information provided by responsible authorities and other agencies. It is further proposed that three other areas mentioned in the survey will be similarly monitored, namely: High Wycombe, Marlow and Amersham on the Hill. Should evidence emerge to support a potential change in these areas, this will be reported back to the Licensing Committee for further consideration.

- 2.29 It should be noted that if the special hours policy approach for Buckingham is removed as proposed, licence applications will still go through a formal consultation process and residents and responsible authorities will have the opportunity to comment and make representation. Likewise applicants will still have to demonstrate how they intend to meet the four licensing objectives, including preventing public nuisance. The police and Environmental Health can use their powers under the Act to seek a formal review of the licence of any premises associated with crime and disorder and/or public nuisance concerns.

Street drinking policy

- 2.30 The street drinking of alcohol has been found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. By way of response the Council has introduced Public Space Protection Orders (PSPOs) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers.
- 2.31 Experience shows that enforcement of the PSPO alone is not sufficient to deter would be offenders from consuming alcohol in breach of current PSPOs. Enforcement is only part of the solution and it is important that licensed businesses local to and within the PSPO area also play their part.
- 2.32 The draft Policy proposes that premises licensed for the sale of alcohol for consumption off the premises, in areas where relevant PSPOs have been introduced, will be expected to adopt additional measures. These include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging businesses from selling alcohol to known street drinkers.
- 2.33 73% of respondents to the pre-engagement survey agreed with this approach. Those who did not agree cited reasons relating to additional burdens on businesses. All licensed businesses have a legal obligation to promote the licensing objectives and ensure that alcohol is sold in a responsible manner. Unfortunately there is clear evidence that the consumption of alcohol on the street in some areas, particularly some of the town centre areas, is associated with antisocial and disorderly type behaviour. In addition, those who did not agree felt that the Council should focus on providing support to those with alcohol dependencies rather than displace the problem elsewhere. The Council and Police take a multifaceted approach to tackling this issue. The disruption of alcohol supply to those experiencing difficulties associated with its use, not only assists in reducing crime and disorder but it also plays a key part to assist the work of other agencies who work with those with alcohol dependencies.
- 2.34 **Outside hospitality**
- 2.35 The new draft Policy sets out measures for the management of outside areas that all applicants will be expected to follow. These measures mirror the requirements of

the conditions adopted by the Council in respect of the pavement licensing scheme introduced in response to the Covid-19 pandemic. These include a recommendation that outside areas are not used later than 11pm on Fridays and Saturdays, 10pm on other days, and that there are separate areas for smokers and non-smokers.

- 2.36 86% of respondents support this proposal. Comments in support also mentioned the importance of judging each case on its merits, which is always the case with licensing, the need for management and enforcement and the importance of supporting businesses.
- 2.37 **Application consultation policy**
- 2.38 All applicants for licences are generally required by law to advertise their application by displaying a public notice on the premises and in a local newspaper and by serving a copy on statutory authorities such as the police and fire authority. In addition details of all applications are published on the online public registers on the Council's website.
- 2.39 The proposal to go beyond the statutory requirement and ensure details of new and variation applications are sent to local ward councillors and the local parish or town council received 93% support from respondents. Those against cited the potential for delays to applicants and concerns that the Council may in doing so, solicit objections. It is important to note that appropriate safeguards exist within the legislation to balance this and that the Council is only permitted to consider representations that relate to the promotion of the licensing objectives and are not vexatious or frivolous. Furthermore, these additional consulted parties will not be invited to make representation, they will only be informed that an application has been submitted in their local area.
- 2.40 **Pubwatch policy**
- 2.41 Voluntary schemes such as Pubwatch and Shopwatch help promote safer environments for the sale and consumption of alcohol. These schemes provide a local network for licenced businesses to work together to tackle crime and disorder, share best practice and develop closer working relationships with the Police, the Council and other agencies. The new draft Policy encourages all licence holders to take part in local schemes where they exist; licensees will also be encouraged to introduce a scheme where one does not already exist.
- 2.42 92% of respondents supported this approach. Those against the proposal warned against taking an enforced approach to membership. This aligns with the draft Policy position which is that the licensing authority will encourage rather than mandate membership.
- 2.43 **Safeguarding children policy**

2.44 Protecting children from harm is one of the core licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment. The new draft Policy encourages operators of licensed premises to put in place a safeguarding policy. The Council will expect operators of high-risk premises to have a written safeguarding policy and procedures including records of staff training.

2.45 90% of respondents support this approach. Comments, while in support of the policy, identified the difficulty of defining “high risk premises”. The draft Policy includes the following types of premises within the high risk definition:

- Venues providing adult entertainment.
- Hotels.
- Premises that are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- Premises with secluded beer gardens, which are not readily monitored by staff.
- Nightclubs and late night opening pubs and bars (open after 00.00 hours).
- Premises where unaccompanied children are permitted

2.46 A question was raised about enforcement and the ability of the Licensing Authority to issue fines and to close non-compliant premises. Licensing authorities do not have the power to issue fines but do have powers to determine applications and reviews, as well as instigate reviews of its own accord. Each case must always be judged on its merits but the lack of a safeguarding policy could be a relevant consideration should a representation related to this issue be made when considering the protection of children from harm licensing objective.

2.47 **Public health policy**

2.48 A key priority for Buckinghamshire Council is to strengthen local communities and support people to live healthy lifestyles. Licensed premises can help support this by providing opportunities for people to come together and socialise. The new draft Policy encourages applicants for licences for the sale or supply of alcohol to consider the health impacts of their activities and adopt measures to mitigate risks to health. This could include staff training on the responsible sale of alcohol, avoiding promotions which encourage people to drink more and thinking about the type and alcohol content of drinks they sell.

2.49 71% of respondents supported this proposal. Comments opposed to the proposal raised concerns about the effectiveness of the policy and additional burdens on business. Comments in support raised the importance of staff training and potential difficulties related to enforcement. The Licensing Service intends to work with colleagues in Public Health to help promote this policy while minimising financial burdens on business. For example development of the Pubwatch network will provide an opportunity to share and disseminate best practice guidance.

2.50 **Promoting environmental best practice**

2.51 A key priority for Buckinghamshire Council is to improve the local environment. Licensed premises can contribute by helping to create a greener and cleaner environment. The new draft Policy encourages operators of licensed premises to adopt best practice measures such as minimising waste, improving energy efficiency and reducing traffic on the road.

2.52 91% of respondents supported this proposed approach. Comments opposed to the policy raised concerns that this approach goes beyond the licensing objectives. Concerns were also raised about implementation and the importance of including non-licensed operators. In terms of the licensing objectives, environmental concerns can be most closely associated with the prevention of public nuisance but are also linked to protecting children from harm. The Policy encourages rather than mandates and as with the public health approach, Pubwatch and similar networks provide an opportunity to share and promote best practice in this area.

2.53 **Next steps and review**

2.54 The new Policy must ultimately be adopted by Full Council prior to publication. The following time scales are proposed in order to meet the publication deadline of 1 April 2022:

- Notification of proposed policy changes and 6 week consultation to Local Members- August 2021
- Draft policy 6 week public consultation - August to September 2021
- Result of consultation reported to Cabinet Member and informal Cabinet - TBC
- Results of consultation reported to Licensing Committee – October 2021 (TBC)
- Final version of policy presented to Council for adoption - 24 November 2021

3. Other options considered

3.1 The Council has a statutory duty to publish a Licensing Policy Statement, which must be published by 1 April 2022.

4. Legal and financial implications

- 4.1 Under Sections 4(1), (2) and (3) of the Licensing Act 2003 a licensing authority must carry out its licensing functions with a view to promoting the four licensing objectives and with regard to its own licensing policy statement and the Secretary of State's guidance (issued under Section 182). Under Section 5 the licensing authority must prepare and publish a licensing policy statement at least every 5 years. The Act sets out the persons that must be consulted before the Licensing Authority can determine its policy. Furthermore the Act and Secretary of State's guidance provide directions as to the content of policy statements. In accordance with the Local Government (Structural changes)(Transition Arrangements)(No. 2) Regulations, Buckinghamshire Council has two years to prepare and publish a new Policy, that is by 1 April 2022.
- 4.2 In accordance with Section 5A, licensing authorities may publish a Cumulative Impact Assessment stating that the authority considers that the relevant number of authorisations (premises licences and club premises certificates, not TENs) in respect of premises in one or more parts of its area as described is such that it is likely to be inconsistent with its duty to promote the licensing objectives. The assessment must set out the evidence for the authority's opinion and may relate to all relevant authorisations or a particular kind. The authority must consult on the assessment before it is published. The consultation must include the reasons why it is considering publishing an assessment, a general indication of the part(s) of its area to be described in the assessment, whether it will relate to all relevant authorisations or only a particular kind. The assessment must be reviewed before the end of each three year period.
- 4.3 The current Aylesbury town centre cumulative impact policy was adopted prior to the provisions of Section 5A took effect in April 2018. Paragraph 14.38 of the Section 182 Guidance expressly deals with cumulative impact policies which were in place before S5A came into effect:
- 4.4 "As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation)."
- 4.5 Whilst the S182 Guidance is not legislation, licensing authorities are obliged to have regard to it. The guidance indicates that the Aylesbury town centre cumulative

impact assessment was due for reconsideration by 1 April 2021, however the transitional arrangements regulations had the effect of extending the policy review requirements until April 2022.

- 4.6 The work involved in preparing and publishing the new Policy is a function of the licensing service with the work performed by officers as part of their duties. No significant additional costs to the Council are envisaged.

5. Corporate implications

- 5.1 Protecting the vulnerable – Protecting children from harm is one of the core statutory licensing objectives that the Council, in its role as Licensing Authority, must have regard when carrying out its licensing functions. The draft Policy contains reference to a number of specific policies designed to protect children: safeguarding policies, restricted access, alcohol advertising, age verification, alcohol delivery services, cinemas, large events involving children and sexual entertainment venues.
- 5.2 Property – N/A
- 5.3 HR – N/A
- 5.4 Climate change – The draft Policy contains measures to encourage operators to adopt measures to promote cleaner and greener practices.
- 5.5 Sustainability – A/A
- 5.6 Equality – an equalities impact assessment (EqIA) screening exercise has been completed. There are no concerns that the Policy will impact negatively on any group. Conversely the Policy contains positive measures to promote the Equalities Act generally, with specific measures designed to promote child protection. On this basis it is deemed that a full EQIA is not necessary
- 5.7 Data – measures are in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements. An information sharing protocol is in place to facilitate exchange of information with the Police and other partners, while ensuring data protection requirements are complied with.
- 5.8 Value for money – policy development work is performed by officers in-house. Licensing fee levels under the Act are set by central Government and the Licensing Authority has no discretion to amend these fee levels. Fees have not been reviewed nationally since the Act came into force in 2005 and do not cover the cost of delivering the service in this area.

6. Consultation and communication

- 6.1 A pre-draft policy consultation exercise was carried out with key stake holders who were invited to complete an online survey between 14 May and 8 June 2021. The

final draft version of the Policy will be consulted upon widely with the statutory consultees:

- Chief officer of police
- Fire and rescue authority
- Director of public health
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area

6.2 Other stakeholders such as the general public, Councillors, Town and Parish Councils, agencies working with these with alcohol dependencies, other responsible authorities (trading standards, environmental health and planning) and community safety will also be consulted. The consultation is proposed to run for 6 weeks and will be advertised via the Council's various media channels.

Key documents:

Appendix 1: new draft Licensing Policy Statement, Licensing Act 2003

Appendix 2: pre-draft policy consultation survey.

Appendix 3: Summary report of survey responses.

Appendix 4: "An Evaluation of Licensing issues and their impact on Policing and Community Safety." Thames Valley Police.

Appendix 5: TVP suggested control measures and related policy summaries

[Home Office Guidance issued under section 182 of the Licensing Act 2003](#), April 2018

[Aylesbury Vale Licensing Statement 2015](#)

[Chiltern Statement of Licensing Policy 2017](#)

[South Bucks Statement of Licensing Policy 2018](#)

[Wycombe Statement of Licensing 2018](#)

[Buckinghamshire Council Pavement Licence standard conditions](#)