

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	STATEMENT OF LICENCING POLICY CONSULTATION
DATE OF DECISION:	10 SEPTEMBER 2020
REPORT OF:	CABINET MEMBER FOR STRONGER COMMUNITIES

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

As a Licensing Authority, Southampton City Council (the council) has a duty to produce a Statement of Licensing Policy in line with the Licensing Act 2003 legislation. The Statement of Licensing Policy is fully reviewed every five years. Before adopting the policy the council has a duty to consult on any proposed changes to the policy.

This paper outlines the initial review of the policy which has been undertaken by officers of the council, working with colleagues in Hampshire Constabulary, and the proposed changes to the policy which are currently open to a public consultation.

The council is also consulting on the future of the Late Night Levy as this forms part of the Statement of Licensing Consultation and is being conducted as part of the same consultation. The Late Night Levy was introduced in 2015 and is an annual charge paid by licensed premises selling alcohol between 00:01 and 06:00 hours, as a contribution towards the cost of late-night policing, anti-social behaviour and street cleansing.

The council is now welcoming representations from local businesses, the public and other respondents on whether or not the Late Night Levy should continue as part of the city's Licensing Policy.

RECOMMENDATIONS:

(i)

That the committee notes this report and considers its response to the consultation for the Statement of Licencing Policy.

REASONS FOR REPORT RECOMMENDATIONS

- | | |
|----|--|
| 1. | OSMC are invited to consider its response to the consultation for the Statement of Licencing Policy, noting changes that are being proposed. |
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED
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2.	Do nothing – not an option as the council is required to update its Licencing Policy in line with statutory requirements and consult on changes which have been proposed.
DETAIL (Including consultation carried out)	
	Background
3.	The Licensing Act 2003 (the Act) requires licensing authorities to publish a “statement of licensing policy” every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits and the discretion of the Licensing Authority in relation to applications is only used if relevant representations are made.
4.	<p>The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> • Retail sale of alcohol; • Supply of alcohol to club members; • The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.; • Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. “Regulated Entertainment” is defined as: <ul style="list-style-type: none"> ○ A performance of a play; ○ An exhibition of a film; ○ An indoor sporting event; ○ Boxing or wrestling entertainment; ○ A performance of live music; ○ Any playing of recorded music; ○ A performance of dance; ○ Provision of facilities for making music; ○ Provision of facilities for dancing.
5.	<p>In promoting the licensing objectives the Licensing Authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the policy. They include:</p> <ol style="list-style-type: none"> 1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises; 2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems; 3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises; 4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and 5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
6.	The current Southampton City Council Statement of Licensing Policy was adopted by Full Council in January 2016 and is due to expire in January 2021. Before

adopting a new policy the council has a duty to consult on any proposed changes to the policy. Consultation on the draft updated policy went live on 20th July and is due to close on 11th October.

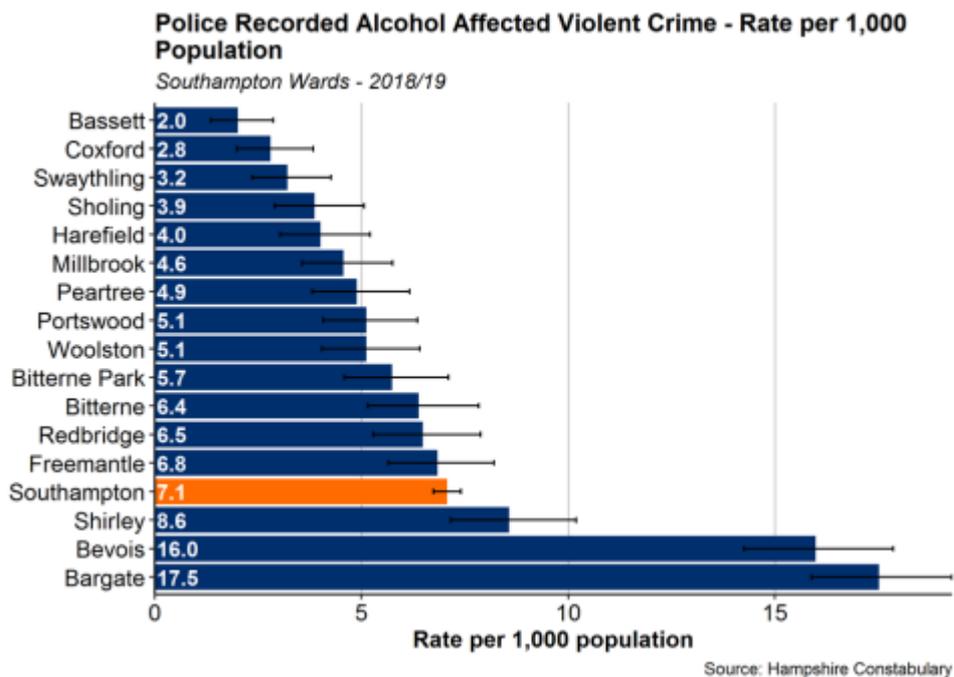
Context: Alcohol licensing in Southampton

7. Southampton is the south coast’s regional capital with a population of over 256,000 in an area of 50 square km. The dynamic and vibrant city is forward-looking, balancing steady growth as a prosperous commercial centre with a high quality of life for its citizens. Southampton is home to 2 universities and approximately 43,000 students with a bustling night time economy.

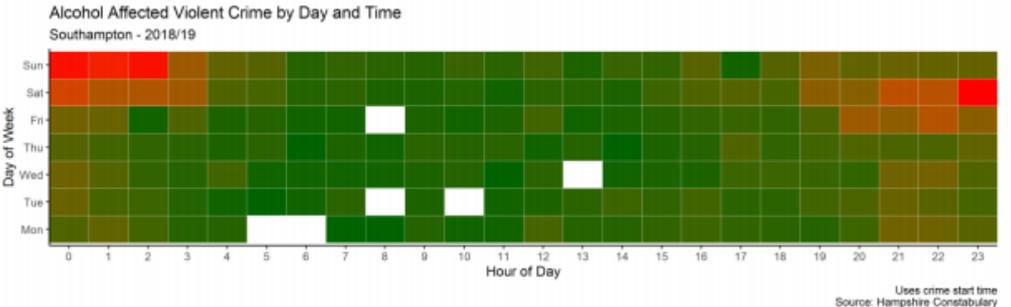
8. Most people who drink alcohol do so in moderation. Any associated harms can be minimised by drinking within governmental lower risk guidelines. Drinking more than the guidelines poses a threat to the health and wellbeing of not only the consumer but also to their friends, family, communities and wider society through problems such as crime, anti-social behaviour and loss of productivity.

9. The consumption of alcohol is related to criminal activity because its effects on the mind and body are more likely to induce antisocial behaviour, leading to criminal acts. It reduces self-control, which leads to an increased likelihood of committing a violent crime, and is addictive, which may lead offenders to commit acquisitive crimes in order to fund their addiction. Each year alcohol is associated with one million crimes in the UK.

10. In 2018/19, police recorded rates of violent crime affected by alcohol were significantly higher in the central wards of Bargate and Bevois (figures 6.3.6 and 6.3.7). This is likely to be because these wards are strongly associated with the city’s night time economy:

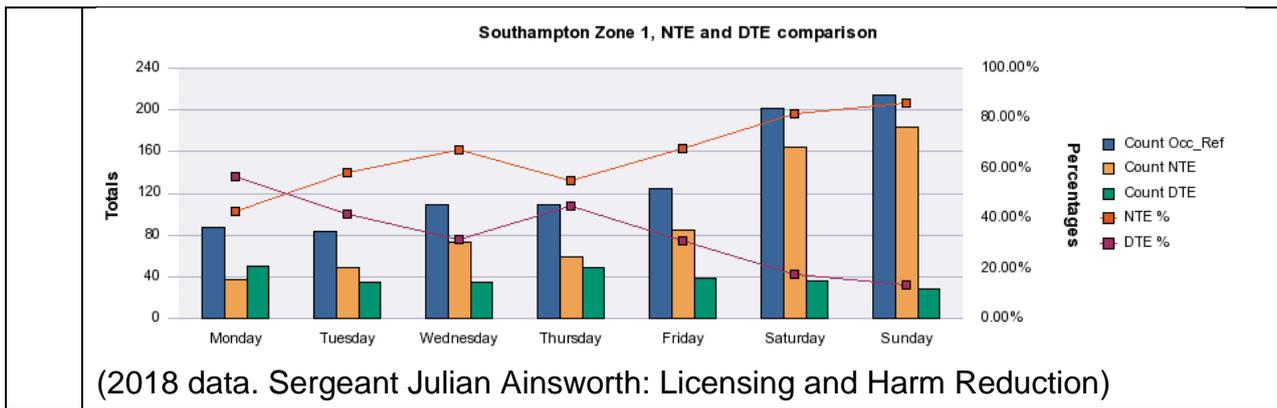


11. The night time economy has many positives for Southampton. It also remains a priority for the city due to continued offending within the city centre that is linked to alcohol consumption and can have significant police resource implications. The night time economy policing response is flexible depending on the assessed level of risk. In general the majority of alcohol affected violent crime offences take place between Friday evening and the early hours of Sunday, although the number of

	<p>offences will vary from week to week.</p>  <p>Alcohol Affected Violent Crime by Day and Time Southampton - 2018/19</p> <p>Crimes</p> <p>60 50 40 30 20 10</p> <p>Uses crime start time Source: Hampshire Constabulary</p>
12.	<p>COVID-19 has inevitably had a significant impact on the night time economy in Southampton and nationally. From the end of March 2020 to the beginning of July 2020 hospitality premises could not operate, and whilst some venues adopted a takeaway model, many could not operate at all and almost all hospitality businesses will have lost impact.</p>
13.	<p>To support businesses such as pubs, bars and restaurants, who have been hit hard by COVID-19, to continue to accommodate their customers, temporary provisions to the Business and Planning Act 2020 temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This made it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which allowed businesses to trade and maintain social distancing.</p>
14.	<p>Licensed premises have continued to gradually reopen from 4 July and are seeking to offer an alternative experience to customers through table service and outdoor seating arrangements. Night clubs are still unable to reopen and initial indications from the trade is that a number of premises may cease to operate.</p>
15.	<p>Prior to COVID-19, alcohol related crime in Southampton was up from the previous year, with 2,647 crimes in 2018/19 which were recorded as affected by alcohol in Southampton (including offences affected by both alcohol and drugs), an increase of 6.2% from 2017/18 and a rate of 10.5 offences per thousand population. The Southampton Community Safety Survey, which was carried out in July 2019, recorded views on safety in Southampton. After dark 44% of respondents reported feeling unsafe in 2019, similar to 47% in 2017 but higher than 34% in 2015. When asked “if you feel unsafe, what makes you feel unsafe”, 16.8% felt public drinking/ drunkenness made them feel unsafe.</p>
16.	<p>Although there are still high crime figures linked to the night time economy, Southampton is in a far healthier position when compared to 2008 when it was identified as having the third highest violent crime figures in England. Data from the I.C.E. bus showed a steady decline in attendance that ultimately resulted in the service being stopped. The police now frequently have no officers specifically allocated to patrol the night time economy whereas previously it has been an operation involving up to 30 officers.</p>
17.	<p>Between 2005, when the Licensing Act came into effect, and the end of 2009 only one premises was taken to review for crime and disorder. In 2010 eight premises were taken to review for crime and disorder issues and a similar number the following year. There has been a steady decline since then as premises have become better managed and this has resulted in the police seeing a reduction in the need to patrol the night time economy.</p>

18.	Police and licensing officers are currently reviewing the need for taxi marshals. In 2008, 6 marshals were used both Friday and Saturday night for a period of 6 hours each. Currently, only 2 officers are being deployed each night for 4 hours at London Road, but this is no longer as busy as it used to be.																				
	Changes to the Policy																				
19.	After careful review of the Statement of Licensing Policy, officers found that the current policy is accurate and fit for purpose. Although there have been some changes to the landscape of the city, the majority of policy adopted in 2016 remains relevant to the needs of the city.																				
20.	Therefore, the proposed amendments to the existing policy are predominately minor technical amendments and clarifications on process and legislation.																				
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21.	Some areas in the city may have such numbers of licensed premises/activities that it becomes a focal point for large groups of people to congregate and eventually leave. This can create exceptional problems of crime, disorder, noise and other nuisance. In these areas the council imposes stricter controls to reflect the cumulative impacts which the area may experience because of a licensing decision. These controls are address in the Cumulative Impact Policies (CIPs).																				
22.	The Licensing Authority wishes to support businesses to create a vibrant social economy and need to balance this with its other responsibilities to support the licensing objectives. Each case is determined on its own merits and any application able to demonstrate it will not adversely impact the licensing objectives should have its application granted.																				

23.	<p>The Cumulative Impact Policies deal with the following matters:</p> <ul style="list-style-type: none"> • Identified stress areas • The basic operation of the policy • How hearings will deal with applications within stress areas • How evidence of Cumulative Impact is dealt with outside of a stress area • How hearings will apply the CIP to applications from within or out of a stress area. 																																			
24.	<p>The areas in which these policies have been reviewed in consultation with Hampshire Constabulary and the proposal is that these should remain, as in the 2016 policy, the three areas designated as the “Bedford Place Stress Area”, the “Above Bar Street Stress Area” and the “Bevois Valley Stress Area”.</p>																																			
25.	<p>The successful and vibrant night time economy in Southampton attracts tourists, local residents and students to the various licensed venues. Whilst these venues are spread across the city centre and district centres, as well as being interspersed in residential areas, there are clear clusters of venues in the three identified areas. These clusters of venues have impacts both on crime and policing, as well as on the residents and business operating in that areas, in relation to noise and street cleanliness.</p>																																			
26.	<p>In operational policing terms, Southampton is divided into four areas (Central, East, North and West). The night time economy is predominately situated in Southampton Central. A greater percentage of crime types which can be linked to alcohol and the night time economy takes place in the central area:</p> <table border="1" data-bbox="256 1066 1369 1711"> <thead> <tr> <th></th> <th>Central</th> <th>East</th> <th>North</th> <th>West</th> </tr> </thead> <tbody> <tr> <td>Violence with injury</td> <td>35%</td> <td>20%</td> <td>18%</td> <td>27%</td> </tr> <tr> <td>Violence without injury</td> <td>29%</td> <td>21%</td> <td>19%</td> <td>31%</td> </tr> <tr> <td>Rape</td> <td>36%</td> <td>16%</td> <td>20%</td> <td>28%</td> </tr> <tr> <td>Sexual assault</td> <td>35%</td> <td>18%</td> <td>21%</td> <td>26%</td> </tr> <tr> <td>Drug possession</td> <td>38%</td> <td>17%</td> <td>16%</td> <td>29%</td> </tr> <tr> <td>Public Order</td> <td>34%</td> <td>18%</td> <td>18%</td> <td>30%</td> </tr> </tbody> </table> <p>(2018 data. Sergeant Julian Ainsworth: Licensing and Harm Reduction)</p>		Central	East	North	West	Violence with injury	35%	20%	18%	27%	Violence without injury	29%	21%	19%	31%	Rape	36%	16%	20%	28%	Sexual assault	35%	18%	21%	26%	Drug possession	38%	17%	16%	29%	Public Order	34%	18%	18%	30%
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27.	<p>The peak days for demand are Friday, Saturday and Sunday, with night time economy incidents accounting for the majority of all incidents reported, as demonstrated in the graph below representing crime in the Bedford Place area:</p>																																			



28. Hampshire Constabulary experience peaks in crime, including violence and public order, in the early hours of the morning over the weekend period, linked to the licensed venues operating in the city centre beyond midnight and also linked to the night time economy zones. Current CIP stress zones (shown in red) have the highest level of flags added to crimes linking them to the night time economy:

	2016	2017	2018
London Road/Bedford Place	556	631	657
Above Bar/Vincent's Walk	562	623	624
High St / Oxford St / Town Quay	491	599	579
Bevois Valley / St Marys	595	650	580
Zone 5 - West Quay Road and Leisure World	320	371	333

(Sergeant Julian Ainsworth: Licensing and Harm Reduction)

29. The night time economy continues to draw Police resources into the city centre to deal with violence and public order incidents. London Road and Bedford Place (Zone 1), Above Bar and Vincent's Walk (Zone 2) and Bevois Valley and St Mary's (Zone 4) continue to be the area of high demand and the recommendation is therefore to continue the CIP policies in the three stress areas in the existing Licensing Policy.

Late Night Levy Options

30. The council introduced the Late Night Levy in April 2015. The Late Night Levy is an annual charge paid by licensed premises selling alcohol between 00:01 and 06:00 hours, as a contribution towards the cost of late-night policing, anti-social behaviour and street cleansing.

31.	<p>The average annual income from the Levy is £120,000. The funds raised through the Levy are used to support services and projects in consultation with the trade to provide support services for the different agencies operating in the night time economy after midnight. The net amount collected in 2018/19 plus the carry forward from the previous year totalled £129,331 which has been spent as follows in 2019/20:</p> <table border="1" data-bbox="258 421 1398 743"> <tr> <td data-bbox="258 421 810 474">Street Pastors</td> <td data-bbox="817 421 1398 474">£25,000</td> </tr> <tr> <td data-bbox="258 474 810 528">Street Cleaning</td> <td data-bbox="817 474 1398 528">£25,000</td> </tr> <tr> <td data-bbox="258 528 810 582">CCTV</td> <td data-bbox="817 528 1398 582">£25,000</td> </tr> <tr> <td data-bbox="258 582 810 636">Community Warden Patrols</td> <td data-bbox="817 582 1398 636">£5,150</td> </tr> <tr> <td data-bbox="258 636 810 689">Taxi Marshals</td> <td data-bbox="817 636 1398 689">£11,000</td> </tr> <tr> <td colspan="2" data-bbox="258 689 1398 743" style="text-align: right;">Total: £91,150</td> </tr> </table> <p>This left £38,181 to carry forward this year.</p>	Street Pastors	£25,000	Street Cleaning	£25,000	CCTV	£25,000	Community Warden Patrols	£5,150	Taxi Marshals	£11,000	Total: £91,150	
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32.	<p>The levy collected £119,234 in the year 2019/20. The expenses were £2,459 leaving a net amount of £116,775 plus the £38,181 carry forward making a total of £154,956.</p>												
33.	<p>The levy board have agreed to spend as follows:</p> <table border="1" data-bbox="258 963 1407 1223"> <tr> <td data-bbox="258 963 833 1084">Street Pastors</td> <td data-bbox="839 963 1407 1084">£10,000 (with another £15,000 held to assess the impact of Covid on their service)</td> </tr> <tr> <td data-bbox="258 1084 833 1137">Street Cleaning</td> <td data-bbox="839 1084 1407 1137">£25,000</td> </tr> <tr> <td data-bbox="258 1137 833 1191">CCTV</td> <td data-bbox="839 1137 1407 1191">£25,000</td> </tr> <tr> <td data-bbox="258 1191 833 1223">Taxi Marshals</td> <td data-bbox="839 1191 1407 1223">Up to £15,000</td> </tr> </table> <p>Taxi marshals will be deployed as and when necessary after consultation with the trade, Street Pastors, police, community safety and licensing. It is hoped the full allocation will not be used and will add to the carry forward next year.</p>	Street Pastors	£10,000 (with another £15,000 held to assess the impact of Covid on their service)	Street Cleaning	£25,000	CCTV	£25,000	Taxi Marshals	Up to £15,000				
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34.	<p>Approval has just been given to grant Go! Southampton £32,730 from the levy for the purchase of 60 handheld radios for premises and services operating in the night time economy. This is vital equipment to keep premises in contact with each other, CCTV and support services such as the police and Street Pastors.</p>												
35.	<p>This leaves £31,226 still to be allocated. There is no time limit on when this needs to be allocated, so can be retained to assist with services in following years.</p>												
36.	<p>The night time economy has changed dramatically over the last few years with visitors seeking alternative experiences to conventional licensed bars and restaurants. This has resulted in venues facing increasing financial challenges. COVID-19 continues to place significant pressures on the hospitality industry, with a cumulative impact of a significant period of closure, ongoing social distancing measures limiting customer numbers and continued changing consumer behaviours post-lockdown.</p>												
37.	<p>In 2017 Southampton introduced a Business Improvement District (BID). Similar to the Late Night Levy, the BID is funded through a levy which is collected from businesses within a defined area and in return the BID delivers additional services and makes improvements to the city centre. There are approximately 600+ businesses in Southampton who hold an associate membership with the BID and 49 business in the city centre are charged both for the Late Night Levy and contribute to the BID.</p>												

38.	<p>In response to feedback from local businesses and recognising the combined financial impacts of COVID-19 and the requirement for some businesses to pay both the Late Night Levy and the BID continuation, the council is reviewing options for the future of the Late Night Levy. The options being considered are:</p> <ul style="list-style-type: none"> A. Keep the Late Night Levy in place B. Exempt premises paying into the BID from the Levy C. Cease the Late Night Levy
39.	<p>A. Keep the Late Night Levy in Place</p> <ul style="list-style-type: none"> • At present, there are over 100 premises in Southampton who pay the Late Night Levy. This generates funds of around £120,000 per year. • These funds support a range of services and agencies which respond to the impacts of the night time economy, including Taxi Marshals, Southampton Street Pastors, Street Cleaning, CCTV, Community Warden patrols. • Of the 100, around 49 premises are required to pay the Late Night Levy and BID contributions. • Some business may find this a significant financial pressure, especially following a period of closure and the wider impacts of COVID-19 on the hospitality sector.
40.	<p>B. Exempt premises paying into the BID from the Levy</p> <ul style="list-style-type: none"> • At present 49 premises pay the Late Night Levy and contributions to the BID. This is around half of all business contributing to the Levy. • Exempting those business paying both sets of contributions may reduce the financial impact on some businesses. • It would also reduce the funding available to services and agencies funded by the Levy. These funds can only be used to support the reduction or prevention of crime and disorder, the promotion of public safety, the reduction or prevention of public nuisance or the cleaning of any relevant area. • Services are aligned to areas of most need, which is predominantly the city centre. Therefore, excluding city centre businesses from the Levy could mean that those continuing to contribute do not see a proportionate impact from the contributions to services in their immediate locality.
41.	<p>C. Cease the Late Night Levy</p> <ul style="list-style-type: none"> • Ceasing the Levy would have a direct impact on funding available. The Levy raises funds of around £120,000 per year. • These funds support a range of services and agencies which respond to the impacts of the night time economy, including Taxi Marshals, Southampton Street Pastors, Street Cleaning, CCTV, Community Warden patrols. • There are no proposals to cease these services, but reduced funding would create pressure on Budgets which could mean that services are reviewed in future (subject to public consultation). The carry forward can assist in easing some of the budget pressure and provide more time to source alternative funding. • Ceasing the Levy may reduce financial pressures on local businesses.
42.	<p>The consultation closes on 11 October 2020. After this date, all feedback will be analysed to inform a policy proposal in relation to the future of the Late Night</p>

	Levy. The updated Statement of Licensing Policy will be presented to Full Council for consideration.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
43.	There are no direct financial implications of the proposals in this paper, which focus on informing a response to the consultation on the Statement of Licensing Policy.
44.	The outcome of the consultation will inform proposals relating to the future of the Late Night Levy which has a financial implication. The Levy generates income of around £120,000 per annum, which could cease if the option to cease the Late Night Levy is identified as the preferred option.
45.	If the Late Night Levy were to cease there is currently a fund of £31,226 still to be allocated. Go! Southampton have indicated they may look at supporting funding of CCTV if the levy stops. Street cleaning will continue based on the need. The Street Pastors will continue but will look for alternative funding to make up any short fall. The demand for taxi marshals has been reducing in recent years, other areas, such as Portsmouth have a scheme where local premises to manage the taxi ranks in the area.
<u>Property/Other</u>	
46.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
47.	<p>The policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> • Retail sale of alcohol; • Supply of alcohol to club members; • The supply of hot food and/or drink from any premises between 11 pm and 5 am; • Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as: <ul style="list-style-type: none"> ○ A performance of a play; ○ An exhibition of a film; ○ An indoor sporting event; ○ Boxing or wrestling entertainment; ○ A performance of live music; ○ Any playing of recorded music; ○ A performance of dance; ○ Provision of facilities for making music; and ○ Provision of facilities for dancing. <p>The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities.</p>
<u>Other Legal Implications:</u>	
48.	None
RISK MANAGEMENT IMPLICATIONS	
49.	None

POLICY FRAMEWORK IMPLICATIONS	
50.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bargate, Bevois
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Statement of Licensing Policy
2.	ESIA

Documents In Members' Rooms

1.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	