

Wiltshire Council

Full Council

15 October 2024

Licensing Act 2003 – Statement of Licensing Policy 2024 – 2029

Executive Summary

This report describes the work undertaken to develop a revised statement of licensing policy (2024-2029) for Wiltshire Council.

Following the Licensing Committee's consideration of the revised licensing policy on 17 June 2024, the committee approved the policy and referred it on to Council for approval.

Proposals

That Full Council approves the Statement of Licensing Policy (2024-2029) (Appendix 1) under the Licensing Act 2003 which will come into effect from 1 November 2024.

Reason for Proposals

The Council must review its Licensing Policy every five years. The Policy is due for review and must be consulted on and approved by Full Council prior to it being published and coming into force.

Sarah Valdus

Director of Environment

Licensing Act 2003 - Statement of Licensing Policy 2024– 2029

Purpose of Report

1. The Council must review its Licensing Policy every five years. The Policy is due for review and must be consulted on and approved by full Council prior to being published and coming into force. Following amendments considered by the Licensing Committee on 17 June 2024 a final draft version of the Licensing Policy is submitted to Full Council for approval.

Relevance to the Council's Business Plan

2. The Statement of Licensing Policy recognises the importance of safeguarding our residents from harm by working with regulators and partners to reduce risks and ensuring our communities have licensed premises that meet the requirements of the Licensing Act 2003. This aligns with the Council's Business Plan 2022-32 mission "We are safe".

Background

3. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act with a view to promoting four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm.
4. The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated entertainment and provision of late-night refreshment. This Policy provides the local implementation framework and outlines how the Licensing Authority fulfils the Licensing Act 2003 and ensures that the licensing objectives are met.
5. In order for the Licensing Authority to discharge its licensing functions it is required to draw up and publish a Licensing Policy or Statement of Licensing Policy under the Licensing Act. This policy is to be reviewed every five years and be the subject of a full consultation process.
6. A report of 4 March 2024 sought the Licensing Committee's support for the draft Licensing Policy for consultation. Section 7 of the Act provides that functions in relation to the five-year Licensing Policy cannot be delegated but must be approved by full Council.

7. There were 35 responses received from the public consultation. Suggestions were made with regards to how applicants were consulted on applications as well as how applications were consulted on. Comments were also made with regards to the style and language of the policy and requested that it was more robust as opposed to permissive, where possible changes were made but some were not possible due to the requirements of the licensing guidance and legislation. Temporary Event Notices received the largest number of comments, these are designed to be a light touch process and unless objections are raised by the relevant authorities and provided statutory timeframes are adhered to these must be issued. Updates were made to the policy to make this clearer and the Appendix flowchart was updated.
8. Subsequent amendments were made to the Council's draft Licensing Policy before being considered by the Licensing Committee on 17 June 2024. At that meeting the committee approved the revised policy and referred it on to Council for approval.
9. The Licensing Policy is a document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises which sell/supply alcohol or provide regulated forms of entertainment. The revised Policy has been based on the requirements of the Act and includes changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

Main Considerations for the Council

10. It is a statutory requirement that, at least every five years, the Council, as Licensing Authority must produce a Statement of Licensing Policy. This policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

Safeguarding Implications

11. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Children's Services Department has been designated as the Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

12. The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. As a responsible authority Public Health receives all new and variation applications and has opportunity to comment under the licensing objectives" The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

Procurement Implications

13. There are no additional procurement implications of the proposals contained within this report.

Equalities Impact of the Proposal

14. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Environmental and Climate Change Considerations

15. There is minimal environmental impact of these proposals.

Workforce Implications

16. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

Risks that may arise if the proposed decision and related work is not taken

17. The Council would be in breach of its duties to prepare and publish a Licensing Policy in relation to the exercise of its functions under the Licensing Act 2003. The Council could be criticised and there would be a potential reputational risk to the Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. There are no risks identified from the proposed draft Licensing Policy, there is currently sufficient resource available to enforce this policy with no substantial changes proposed.

Financial Implications

19. There are no additional financial implications of the proposals contained within this report.

Legal Implications

20. Under the Licensing Act 2003, the Council is required determine its policy with respect to the exercise of its licensing functions and to publish a statement of that policy. This must be done for each five-year period and the current policy is due to expire at the end of this year. The Council must, therefore, now adopt a new policy. The Licensing Act requires the Council to specifically consult various organisations before adopting a new policy, in addition to more general consultation. This consultation has taken place, and the views of consultees considered in the revised draft.

21. The Statement of Licensing Policy sets out the approach that the Council will take to the exercise of its licensing functions. The Council is required, by section 4 of the Act, to have regard to its policy, when exercising any of its licensing functions. This includes the determination of applications for new licences and reviews of existing licences.

Overview and Scrutiny Engagement

22. There has been no engagement with the Council's Overview and Scrutiny function, as there is no mandatory review of the Statement of Licensing Policy.

Options Considered

23. The adoption of a revised Licensing Policy by 9 November 2024 is a statutory requirement, so there are no other legal options apart from adoption.

Conclusions

24. The adoption of a revised Statement of Licensing Policy by 9 November 2024 is a statutory requirement. It is proposed that the Council approves the Statement of Licensing Policy (2024 – 2029) as shown in Appendix 1, which will come into effect from 1 November 2024.

Sarah Valdus – Director of Environment

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Appendices

Appendix 1 – Wiltshire Council Licensing Policy (2024-29)

Background Papers

- [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- Revised guidance issued under section 182 of the Licensing Act 2003 (December 2003)
https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf