

## **Wiltshire Council**

### **Licensing Committee**

**17 June 2024**

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## **Statement of Licensing Policy**

### **Purpose of Report**

1. To ask the Licensing Committee to note the results of the consultation undertaken and amendments to the Councils Draft Statement of Licensing Policy (in relation to the Licensing Act 2003).
2. That the Licensing Committee commends the Draft Statement of the Licensing Policy in relation to the Licensing Act 2003 to Full Council for approval at its meeting on 22 October 2024.

### **Relevance to the Council's Business Plan**

3. The Statement of the Licensing Policy supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

### **Background**

4. The Council's current Statement of Licensing Policy came into effect on the 10 November 2019 and will cease to have effect on the 9 November 2024. The Council must be in a position to formally adopt a revised policy with effect from November this year.
5. The council have carried out a consultation in accordance with the specific legal requirements set down in the Licensing Act 2003. The report details the consultation comments and seeks approval from the committee to recommend approval to Full Council.

### **Main Considerations**

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance, and
  - The protection of children from harm
7. The Home Office guidance requires the Statement of Licensing Policy to be reviewed at least once every 5 years.

## **Consultation**

8. The consultation for the Statement of Licensing policy commenced on 17 April and closed on 29 May 2024. Consultation comments were captured using an online form, with two comments received via e-mail.
9. The list of consultees included: -
  - All licensed premises
  - Town and Parish Council
  - Wiltshire and Dorset Fire and Rescue
  - Wiltshire Police
  - Wiltshire PCC
  - All Wiltshire Council members
  - Director of Public Health
  - Advertised extensively through the Councils' social media channels.
  - Press releases on 17 April and 20 May 2024.
10. A total of 35 responses were received, with most comments received from the residents of Wiltshire. Additional comments were received from license holders, Pub Watch members and Town/Parish Councils. The feedback showed that most respondents supported the policy. All comments were reviewed, and the policy updated to reflect the comments received. A copy of all the comments and responses are included as Appendix 1 and the updated final draft of the Statement of Licensing Policy is included as Appendix 2.

## **Overview and Scrutiny Engagement**

11. As yet there has been no engagement with the Council's Overview and Scrutiny function, as this is a mandatory review of the Statement of Licensing Policy.

## **Safeguarding Implications**

12. The licensing policy proposal includes one of the key objectives of the Licensing Act 2003 which is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a 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**

13. The Statement of Licensing Policy ensures the licensing objectives are supported which will ensure that over consumption of alcohol and the associated harms will be minimised in Wiltshire.

## **Procurement Implications**

14. There are no procurement implications associated with the Statement of Licensing Policy.

## **Equalities Impact of the Proposal**

15. 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**

16. The Committee could include within the Policy review additional wording to encourage environmental and climate awareness amongst licensed premises. This is being included in other local authority policies and would raise awareness of this important issue with guidance on how license premises could work towards The Climate Change Act (2008) which sets a carbon reduction target for the UK, of 34% by 2020 and 80% by 2050 based on 1990 levels. The policy could include an additional paragraph on Promoting Environmental Best Practice in Licensed Venue.

## **Workforce Implications**

17. 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**

18. Criticism of the Council and compromise of the reputation of Wiltshire Council. Lack of clarity for licence holders on licence expectations.

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

19. There are no risks identified from the proposed draft licensing policy.

## **Financial Implications**

20. There are no additional financial implications contained within the draft Licensing Policy.

## **Legal Implications**

21. The provisions contained within the Licensing Act 2003 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Licensing Act itself is compatible with the Human Rights Act, there remains an obligation on the Council as the Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Statement of Licensing Policy. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Licensing Act 2003 in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the

reputation of the Council and for building trust and confidence in its service provision.

### **Options Considered**

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

### **Proposals**

24. That the Licensing Committee recommend the final draft Statement of Licensing Policy to Full Council for adoption.

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### **Appendices**

1. Consultation Summary – 17 April – 29 May 2024
2. Final draft Statement of Licensing Policy 2024-2029
3. Summary of changes to the 2019-2024 Licensing Policy

### **Background Papers**

- Licensing Act [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Home Office – Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023
- [https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)