

Wiltshire Council

Licensing Committee

8 December 2014

Statement of Licensing Policy

Summary

Licensing Committee members are aware that the Statement of Licensing Policy was approved at Full Council on 21 October 2014.

At the Full council meeting two members requested amendments to the policy. These were not accepted at that meeting, but it was agreed that they would be referred for consideration by the Licensing Committee at its next meeting.

Proposal(s)

It is recommended:

Members of the Committee are asked to consider the proposed amendments contained in Appendix 1 and either:

- a) Accept relevant amendments and consult statutory consultees, and the public about these changes as soon as possible.
- b) Accept relevant amendments and incorporate amendments to any significant policy update at a future date.
- c) Reject the proposed amendments.

Reason for Proposal

The Council as Licensing Authority is required to adopt a Statement of Licensing Policy which runs for five years. During each such five year period, the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

A updated Policy was approved by full council on 21 October 2014 following the legally required consultation being carried out and subsequent amendments being made and approved by the Licensing Committee.

This revised Policy came into effect on 1 November 2014.

At the full council meeting a number of amendments were proposed by two Councillors. These changes were not submitted during the consultation processes and as such have come back for this committee to consider.

Wiltshire Council

Licensing Committee

8 December 2014

Statement of Licensing Policy – Request for Amendments

1. Purpose of Report

- 1.1 To ask the Licensing Committee to note the requests for amendments made by Full Council 21 Oct 2014 on the Statement of Licensing Policy.
- 1.2 To provide members with officer recommendations on the proposed amendments.
- 1.3 To ask the Licensing Committee to determine the proposed amendments.

2. Relevance to the Council’s Business Plan

- 2.1 “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.
- 2.2 “People are as protected from harm as possible and feel safe”.

3. Main Considerations for the Council

- 3.1. 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. During each five year period, the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. Any revisions must be subject to the consultation process set out in the Licensing Act.

4. Background

- 4.1. 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
- 4.2 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.

- 4.3 In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Licensing Policy under the Licensing Act. The initial Policy was adopted in November 2009. The Authority therefore needed to adopt a revised policy by November this year. This process has recently been undertaken and the revised Policy has now come into effect. The new policy is required to be kept under review during its lifetime and revised, as considered appropriate, during that time. Any such revisions of the policy will have to be the subject of a full consultation process.
- 4.4 At the Full Council meeting on 21 October, Councillor Caswill and Councillor Douglas proposed amendments. These have been considered by officers and a response and recommendation is included in the Appendix report.

5. Previous Consultation

- 5.1 A substantial public and dedicated members consultation was held during 9 May 2014 – 31 July 2014.
- 5.2 Prior to its consideration at full Council, all statutory consultees received a full copy of the draft Licensing Policy and notification of the draft Policy was given to all Council Members, parish and town councils and all libraries. Further, all relevant premises and specific bodies requesting information were advised of the draft Licensing Policy and its availability. Finally, a copy of the draft Licensing Policy was also available on Wiltshire Councils Website.
- 5.3 The Licensing Policy sets 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 was 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.
- 5.4 There were 23 responses' received from the public consultation, 10 Wiltshire Councillors responded to the member's survey and 5 emailed comments were received direct to the Licensing Team. Most responses were in support of the new draft policy, several pointed out grammatical errors or suggested re-wording and a number of village halls had questions relating to Temporary events notices or fees.
- 5.5 All proposed amendments have been assessed in Appendix 1.
- 5.6 No proposed amendments materially affect the discharging of the licensing function under the Licensing Act 2003 and subsequent amendments.
- 5.7 Any changes to the policy, however minor will be required to complete the consultation process, set out in the Licensing Act.

- 5.8 This involves consultation with the Police, Fire & Rescue Authority, health bodies, representatives of licence holders and representatives of businesses and residents.
- 5.9 There is a cost involved in such a consultation process.
- 5.10 If members support the proposed amendments, they will also need to consider whether it is appropriate to go through the consultation process at this time, given that the revised policy has only recently been adopted, or whether they wish to wait until other significant revisions are considered, for example as a result of future legislative changes.

6. Safeguarding Implications

- 6.1 One of the key objectives of, the Licensing Act 2003 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.

7. Public Health Implications

- 7.1 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. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

8. Environmental and Climate Change Considerations

- 8.1 There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder.

9. Equalities Impact of the Proposal

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

10. Risk Assessment

- 10.1 Licensing is a statutory undertaking.

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

- 11.1 There are no particular risks identified from any of the proposals.

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

- 12.1 There are no particular risks identified from any of the proposals.

13. Financial Implications

- 13.1. There are additional financial implications of the proposals contained within this report, if a further consultation is required. This will include the cost of the consultations to the Licensing Authority and others including advertising costs.

14. Legal Implications

- 14.1. As stated above, if the Council wish to make any revisions to the recently-adopted Statement of Licensing Policy, it will be necessary to carry out the consultation process set out in section 5 of the Licensing Act before adoption by full Council

15. Conclusions

- 15.1. The recently adopted Statement of Licensing Policy has undergone an extensive consultation prior to its approval by Council in October. Whilst constructive these amendments should have been submitted as part of the consultation process prior to Full Council.
- 15.2 As these amendments do not substantially change the substance of the Statement of Licensing Policy it would be more efficient to consider relevant amendment at the same time as a more substantial policy change such as due to changes in legislation require the policy to be reviewed and amended.

16. Proposal

- 16.1. Members of the Committee are asked to consider Appendix 1 and consider the proposed amendments.

And either:

- a) Accept relevant amendments and consult statutory consultees, and the public about these changes as soon as possible.
- b) Accept relevant amendments and incorporate amendments to any significant policy update at a future date.
- c) Reject the proposed amendments.

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13 November 2014

Background Papers

- Licensing Act 2003
- Secretary of State 182 Guidance
- Police and Social Responsibilities Act 2011

Appendix

1. Summary of proposed amendments and officer comment and recommendation
2. Statement of Licensing Policy