

APPENDIX 1: Request to amend the Wiltshire Council Statement of Licensing

1 Background

- 1.1 The Public consultation on the draft Statement of Licensing policy 2014 took place for three months from 9 May 2014 – 31 July 2014.
- 1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities. This was in addition to social media and press notices informing the general public.
- 1.3 23 responses were received during the consultation with 5 received directly by email.
- 1.4 At the Full Council Meeting on 21 October 2014 the Policy was approved, the changes below were not submitted at the time of consultation and have come back for the Licensing Committee to consider.
- 1.5 Amendments to typographical errors would not require further consultation, amendments to context of sentences etc. All other amendments will require the process of consultation to be completed.
- 1.6 A number of the proposed amendments could have been incorporated into the document if officers had received these during the consultation period.

Proposed Amendments	Response	Recommendation
'The Licensing Authority welcomes the guidance given in the Government's 2012 alcohol Strategy and the encouragement for local communities and individuals to help set the standards and behaviours that they want to see in their surrounding area. It will have regard to the encouragement given to Licensing Authorities in the Strategy to make use of the powers	<p>Amending this as proposed will make not material difference to the policy, processes or actions of the council discharging its licensing function. It represents editorial change.</p> <p>The Government alcohol strategy drives Wiltshire Alcohol Strategy which coordinates all work to reduce alcohol related harm. As the statement of Licensing Policy provides legal and regulatory framework it takes a significant lead from the Licensing Act 2003</p>	Inclusion of this document within the appendix as a reference is appropriate

Proposed Amendments	Response	Recommendation
<p>available in order to take firm action to address the harms from alcohol, and if necessary, close down premises. In that spirit the Licensing Authority will be prepared to use the following powers where appropriate and necessary.' (p.32)</p>	<p>and legislative tools to amend this (Secretary of State guidelines). There is no specific requirement to reference government strategy and is often advisable to use more flexible language to reduce the requirements for amending the legal framework due to policy shifts.</p>	
<p>1.2 Key Aims, delete 'vibrant' in the second bullet point</p>	<p>The term 'vibrant' is a common term to denote a successful economy and evening and night-time economy. It is used in countless Licensing Policies nationally and is a term frequently used by central government</p> <p>This change is editorial and does not constitute a material change.</p>	<p>Not considered</p>
<p>1.4 Licensing Function, third paragraph, replace 'has regard to wider considerations affecting' with 'recognises in this policy its wider responsibilities to' ('the residential population and the amenity of the area.') (p. 7)</p>	<p>The Licensing Policy clearly demonstrates the wider work to improve the management of the night time economy. The Licensing Policy forms the regulatory process for licensing of late night refreshments, sales of alcohol and other licensable activities.</p> <p>This process balances the needs of residents located near these establishments and unacceptable impact and wider community concerns through the licensing objectives. This process is designed to balance the needs of people who live, work and visit Wiltshire.</p> <p>The amendment represents a minor editorial change and does not materially affect this policy.</p>	<p>Consider amending in future revisions of policy.</p>

Proposed Amendments	Response	Recommendation
2.5 Dispersal Policy, replace 'should consider how the venue will' with 'must demonstrate how it will act to' (minimise the potential for disorder as customers leave the premises'). (p. 11)	Dispersal Policies and procedures do not form part of the mandatory conditions of all licensable activity applicable under this policy and as such the term 'must' is not appropriate.	This proposed amendment is not appropriate.
P6, bullet point 4: 'divisional members may be notified'. Could this be changed to 'will be notified'.	The Licensing Authority is only required to place a notice on its website; however we do inform the local council member, town and parish councils. Placing additional requirements on the process and the service leave the Licensing Authority open to legal challenge on encourage representations.	This proposed amendment is not appropriate.
P11, section 2.6, para 1: 'endeavour to reduce the availability, sale and consumption of illegal drugs'. Could this be changed to 'endeavour to eliminate...'	The amendment sets an aspiration effort and is feasible to include.	Consider amending in future revisions of policy.
P37, 38. Could the flowchart be amended to include 'notify interested parties'	Please note the notification process is set out in Regulations made under the Licensing Act 2003. Under those Regulations the responsibility for advertising the application lies with the applicant. The Licensing Authority is only required to place a notice on its website; however we do inform the local council member, town and parish councils.	This proposed amendment is not appropriate.
There is also a typo on P25, para 2 'licensing authority recommends requires'. This needs changing so it makes sense!	Typographical changes have been made.	Approve typographical amendments