

LICENSING AND REGULATION COMMITTEE

17 March 2016

REVIEW OF STATEMENT OF LICENSING POLICY 2016 – COMMENTS
RECEIVED FOLLOWING CONSULTATION

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188
cstefanczuk@winchester.gov.uk

RECENT REFERENCES:

[LR463](#) – Review of Licensing Policy 2016 – 14 January 2016

[LR422](#) – Review of Licensing Policy 2014 – 10 October 2013

[LR410](#) – Review of Licensing Policy 2014 – 13 June 2013

EXECUTIVE SUMMARY:

At the Licensing and Regulation Committee on 14 January 2016, Members made minor amendments to the draft review of the Licensing Policy (“the Policy”) and approved the Policy for consultation.

During the consultation period, the City Council received comments from the South Downs National Park Authority (“SDNPA”) requesting minor amendments to the Policy.

Members are asked to consider whether to make changes to the Policy in light of the comments made by the SDNPA.

RECOMMENDATIONS:

- 1 That Members consider whether changes should be made to the Policy in light of the comments submitted by the South Downs National Park Authority.
- 2 Should any amendments to the Policy be made, that these are agreed and the Policy is recommended for adoption at the next Council meeting on 13 April 2016.

LICENSING AND REGULATION COMMITTEE

17 March 2016

REVIEW OF STATEMENT OF LICENSING POLICY 2016 – COMMENTS RECEIVED FOLLOWING CONSULTATION

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

DETAIL:

1 Introduction

- 1.1 The City Council as the Licensing Authority is required to review and publish its Licensing Policy under section 5 of the Licensing Act 2003 every five years. During the 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.
- 1.2 At the Licensing and Regulation Committee on 14 January 2016, Members considered the reviewed Policy to include the considerations of the purposes and duty of the South Downs National Park.
- 1.3 Members made minor amendments to draft Licensing Policy – January 2016, and resolved that the Policy was approved for consultation.

2 Consultation

- 2.1 The consultation period took place from 1 February 2016 to 29 February 2016. The following parties were consulted:-
 - a) The Chief Officer of Police, Hampshire Constabulary
 - b) Hampshire Fire and Rescue Service
 - c) British Institute of Innkeeping
 - d) British Beer and Pub Association
 - e) Punch Taverns
 - f) Fuller Smith & Turner
 - g) Greene King Retailing Limited
 - h) Enterprise Inns Plc
 - i) Marstons Plc
 - j) Wadworth & Co. Limited
 - k) Winchester BID
 - l) Winchester PubWatch
 - m) All Responsible Authorities
 - n) All City Councillors and Parish Clerks in the Winchester district
 - o) Residents Associations in the Winchester district

2.2 The South Downs National Park Authority has made comments to the reviewed Policy which can be found at Appendix 2.

2.3 No other comments were received.

3 Comments

3.1 The South Downs National Park Authority has recommended changes to the Policy as detailed in their letter dated 4 March 2016 (Appendix 2).

3.2 The minor changes (in the opinion of the Licensing Manager) suggested by the SDNPA have been incorporated in the draft review Licensing Policy at Appendix 1 for Members to consider. These are shown below, extracted from the letter dated 4 March 2016:-

Page/ Paragraph no.	Recommended change	Explanation of why change is suggested
Page 3 Para 1.5	Refer to SDNPA as the “sole” planning authority rather than “primary” planning authority	Reflects the correct definition of SDNPA (other planning authorities such as WCC are acting as agents for SDNPA)
Page 3 Para 1.7	Remove reference to licensing authority having regard to the “duties” of the SDNP	A licensing authority must have regard to national park purposes. However, the duty rests solely with the SDNPA
Page 3 Para 1.7	Further to the above, amend “SDNPA” to read “SDNP” in the same sentence	To reflect that the purposes relate to national park designation rather than the SDNPA
Page 3 Para 1.8	Amend reference to appeal against decisions of the Planning Committee (suggest “planning authority”)	Appeals can be made against any planning decision – not just those made by a Planning Committee
Page 19 Second paragraph	SDNPA could be included as one of the relevant bodies that applicants are encouraged to consult	In the interests of inviting dialogue at an early stage in order to raise potential issues to be addressed (whether through licensing, planning or other means)
Page 53 (Glossary)	Add “Authority” after “South Downs National Park” within the definition of responsible authorities	To reflect that it is the SDNPA that is the responsible authority and distinctly separate from the national park designation.

- 3.3 The SDNPA have also recommended the inclusion of reference to forthcoming guidance, which has been included at paragraph 1.6 in Appendix 1.
- 3.4 Members are asked to consider whether the Council should include references to the SDNP as suggested by the SDNPA as detailed below (extracted from the letter dated 4 March 2016):-

Page/ Paragraph no.	Recommended change	Explanation of why change is suggested
Page 25 Para C.4	Within the section on noise controls include reference to additional tranquillity considerations within/adjacent to the South Downs National Park	Paragraph C.4 already refers to certain areas of the District having “low levels of background noise” and thus requiring stricter conditions with regard to noise control. This suggests that people’s perceptions with regard to “nuisance” vary depending on the context and that there is a greater risk of noise being a nuisance in a relatively tranquil area. It is therefore suggested that specific reference could be made to the SDNP, given that “tranquil and unspoilt places” is one of the identified special qualities of the SDNP and Policy 3 of the South Downs Partnership Management Plan (of which Winchester City Council is a signatory), seeks to “protect and enhance tranquillity and dark night skies”.
Page 47 Para 7	Within the section on light pollution, refer to the wider potential for light pollution to be considered a nuisance within/adjacent to the South Downs National Park	As with noise, a person’s perception of the impacts of light pollution can vary depending on the context. Specific reference could therefore be made to additional sensitivity within the SDNP, given that “tranquil and unspoilt places” is one of the identified special qualities of the SDNP and Policy 3 of the South Downs Partnership Management Plan (of which Winchester City Council is a signatory), seeks to “protect and enhance tranquillity and dark night skies”.

4 Decision

- 4.1 Should Members resolve to make changes to the Policy in light of the comments made by the SDNPA, these should be agreed for recommendation for adoption at the next Council meeting on 13 April 2016.

OTHER CONSIDERATIONS:

5 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 5.1 This report covers issues which affect the Outcomes of High Quality Environment and Active Communities.
- 5.2 There is direct link to Portfolio Plans as the requirements under the Licensing Act 2003 are statutory functions.

6 RESOURCE IMPLICATIONS:

- 6.1 The process of reviewing and adopting the Policy has required officer time which is covered by existing budgets.

7 RISK MANAGEMENT ISSUES

- 7.1 There are no risk management issues related to this report.

BACKGROUND DOCUMENTS:

None

APPENDICES:

- | | |
|------------|---|
| Appendix 1 | Review of Licensing Policy – January 2016 |
| Appendix 2 | Comments from the South Downs National Park Authority |