

LICENSING AND REGULATION COMMITTEE

14 January 2016

REVIEW OF THE STATEMENT OF LICENSING POLICY 2016

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

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RECENT REFERENCES:

[LR 422](#) Review of Licensing Policy 2014 – 10 October 2013

[LR 410](#) Review of Licensing Policy 2014 – 13 June 2013

EXECUTIVE SUMMARY:

The City Council as the Licensing Authority is required to review and publish its Licensing Policy under 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, as such times, as it considers appropriate.

This report seeks to amend the Policy to include consideration of the purposes and duty of the South Downs National Park.

RECOMMENDATIONS:

- 1 That the reviewed Licensing Policy at Appendix 1, subject to any amendments, be approved for consultation as detailed in paragraph 4 of the report.
- 2 That following the consultation period, should no representations be received, that Appendix 1 (subject to any amendments by this Committee) is recommended for adoption at the next available Council meeting.

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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.
- 1.2 The current Licensing Policy (“the Policy”) was adopted by full Council on 16 November 2013 for the period of 7 January 2014 to 6 January 2019.
- 1.3 During the five year period, the Licensing Authority must keep its policy under review and make such revisions to it, as such times, as it considers appropriate.
- 1.4 This report seeks to amend the Policy to include consideration of the purposes and duty of the South Downs National Park.

2 The South Downs National Park (“SDNP”)

- 2.1 The SDNP covers a large area of land between east of Winchester, Hampshire and Eastbourne, East Sussex.
- 2.2 The South Downs National Park Authority (“SDNPA”) is the planning authority for the National Park and responsible for keeping the area a special place.
- 2.3 The purposes of the SDNP are:

Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.

Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.
- 2.4 The SDNP also has a duty; *‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.*
- 2.5 Where there is a conflict between the purposes/duty, then Purpose 1 must have priority. This priority is enshrined within s 62 of the Environment Act 1995, which also places a duty on any ‘relevant authority’ to have regard to

the parks purposes as specified, with a relevant authority held to include any Licensing Authority.

- 2.6 Under the Licensing Act 2003, the SDNPA is the primary planning authority for any new premises licence applications and variations or reviews of these licences where the premises are within the SDNP area.

3 Amendments

- 3.1 The Policy has been reviewed as detailed in Appendix 1 to include reference to the SDNP.
- 3.2 As part of the review, the Policy has been amended to include the licensing authority's duty to have regard to the SDNP duties and purposes when considering applications to ensure that these are maintained and where possible, enhanced.
- 3.3 The Policy also encourages applicants to make contact with the SDNP at the earliest opportunity where their premises are within the SDNP area, to further promote the licensing objectives under the Licensing Act 2003.

4 Consultation

- 4.1 Before adopting a statement of licensing policy, the Council must consult:-
- The Chief Officer of Police for the Winchester area;
 - The Fire Authority for the Winchester Area;
 - Representatives of existing licence holders;
 - Representatives of businesses in the Winchester area;
 - Representatives of residents in the Winchester area
- 4.2 The review of Policy would be sent to the following for comments; the South Downs National Park authority, Hampshire Constabulary, Hampshire Fire and Rescue Service, Winchester Pub Watch, the British Institute of Innkeeping, the British Beer and Pub Association, Winchester BID and any known residents associations.
- 4.3 The consultation shall take place from 1 February 2016 to 29 February 2016 and will be available on the Council's website.
- 4.4 Any comments received during the consultation period will be referred to the Licensing and Regulation Committee on 17 March 2016 so that the final version of the Policy can be recommended to full Council on 13 April 2016.
- 4.5 If no comments are received, the reviewed Policy will be directly submitted to full Council with recommendation for adoption.

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 no 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 risk management issues related to this report.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 Review of Licensing Policy 2016