

Consultation by Winchester City Council on its Licensing Policy.

The Parish Council has received notification that WCC is consulting on its Licensing Policy and comments must be submitted by 22 October 2023.

I have studied the proposed Licensing Policy and propose that the parish Council makes these comments:

Cheriton Parish Council has given consideration to the Licensing Policy and has noticed that on Page 3 under the heading **Other Legislation** that there is no mention of Section 62(2) of the Environment Act 1995 which states “In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act (National Parks and Access to the Countryside Act 1949) and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”

Winchester City Council is a relevant authority as defined in the Environment Act and, as a Licensing Authority, exercises and performs functions in relation to land in the South Downs National Park. Therefore, this omission of a legal requirement should be rectified by including on Page 3 references to Section 62(2) of the Environment Act 1995 and to the National Parks and Access to the Countryside Act 1949 and by including the wording as shown in the preceding paragraph.

Cllr David Pain

2 October 2023

Carol Stefanczuk
Licensing Manager
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ

Via email

17 October 2023

Consultation on the review of Licensing Policy under Licensing Act 2003

South Downs National Park Authority Consultation Response

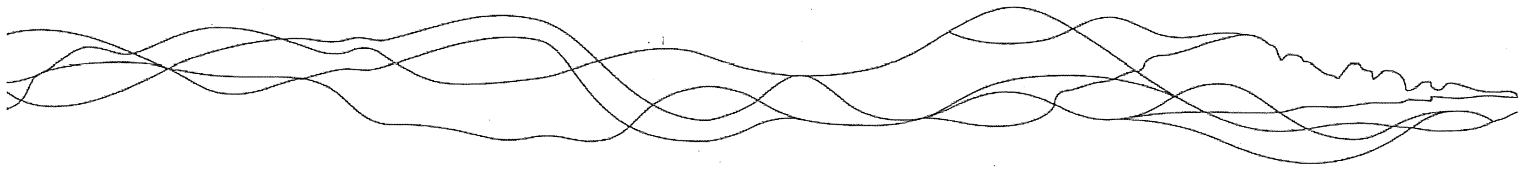
Thank you for consulting the South Downs National Park Authority (SDNPA) on the 2023 review of the Winchester City Council Statement of Licensing Policy. The SDNPA is the Local Planning Authority for the whole of the South Downs National Park (SDNP), including that part of Winchester District falling within the National Park. It is therefore a responsible authority for the purposes of the Licensing Act 2003.

General Comments

The SDNPA has a particular interest in the organisation and licensing (when required) of major events within or adjacent to the National Park. This reflects the advice contained within Paragraphs 26-27 of the UK Government Vision and Circular 2010 for National Parks and the Broads:

“The Parks contain a variety of landscapes, capable of accommodating many different types of leisure activity. Authorities should continue to identify and promote new access and recreational opportunities and ways of delivering them, working proactively with a range of statutory and non-statutory interests such as local access forums (see section 5.6), Natural England, English Heritage, voluntary sectors and, particularly, farmers, commoners and landowners. However, in light of research published in 2005, the Government recognises that not all forms of outdoor recreation are appropriate in each Park and that activities which would have an adverse impact on the Parks’ special qualities and other people’s enjoyment of them may need to be excluded (in order to meet the requirements of section 11A(2) of the 1949 Act).”

Parks are attractive locations for large-scale community, charitable or other events and festivals such as organised charity walks, cycling events, cultural and musical events and fairs. Events should be encouraged which fully engage local communities and visitors, showcase ‘greener living’, minimise harm to the environment and help to interpret and encourage access to Parks. Such events can be significantly beneficial to achieving Park purposes and deliver economic and social benefits to local communities. Events with the potential to harm the special qualities of a Park, such as caravan and vehicle rallies and large music festivals, will need to be controlled. Authorities should build on their existing experience of working with event organisers to ensure the events programme overall contributes to the sustainable development of Parks and does not harm these special qualities. Parks offer community cohesion and sharing between rural and urban communities.”



Specific Comments

Paragraphs 1.3-1.8

The SDNPA supports the continued inclusion of references to the need to check with the Local Planning Authority to see if planning permission is required, alongside the references to the SDNP and SDNPA in paragraphs 1.3-1.8.

We also welcome the inclusion of an updated link to the SDNPA's Guidance for organisers of large festivals and events.

Paragraph 1.7

This paragraph includes a commitment for the Licensing Authority to have regard to the purposes of the SDNP when considering applications to ensure that they are respected. We would suggest that this is strengthened to refer specifically to this 'regard' being a specific duty of the Licensing Authority (as a relevant authority) as set out in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 62 of the 1995 Environment Act). Please note that in response to the Landscapes Review (2019) the Government is considering the strengthening of this Duty of Regard.

Section C: The Prevention of Public Nuisance – Paragraph C2

We welcome the inclusion of the SDNP as an example of an area that has low levels of background noise where stricter conditions to control noise may be justified. Event organisers may find it useful to refer to the Tranquillity Study carried out by the SDNPA in 2017, which can be found at the following link: <https://www.southdowns.gov.uk/wp-content/uploads/2017/03/13-04-17-South-Downs-National-Park-Tranquillity-Study.pdf>

Light pollution is included as a negative tranquillity factor within the Study. In addition, the SDNP has the status of an International Dark Skies Reserve – only the second such Reserve to be designated in England. Further information on Dark Night Skies, including design guidance for events, creative commissions and lighting festivals can be found at the following link:

<https://www.southdowns.gov.uk/dark-night-skies/>. There may therefore be scope for the revised Statement of Licencing Policy to include stricter controls on lighting associated with large events as a relevant public nuisance consideration in this area.

Once again, thank you for the opportunity to comment on the draft SLP.

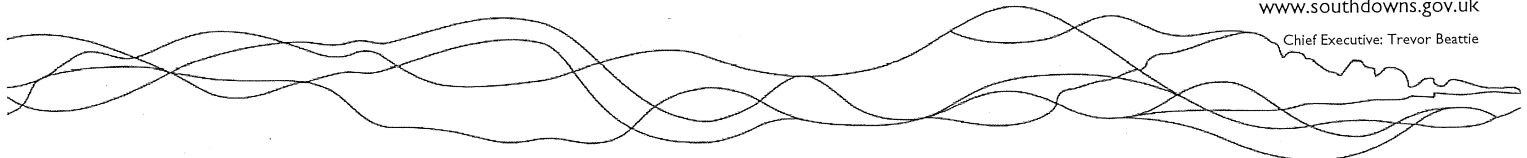
Yours sincerely,

Nathaniel Belderson MRTPI
Planning Link Officer
South Downs National Park Authority

South Downs Centre, North Street,
Midhurst, West Sussex, GU29 9DH

T: 01730 814810
E: info@southdowns.gov.uk
www.southdowns.gov.uk

Chief Executive: Trevor Beattie



Carol Stefanczuk

From: Licensing
Subject: FW: Consultation on the review of Licensing Policy under Licensing Act 2003

From: Steve Cramoysan (Cllr) <SCramoysan@winchester.gov.uk>
Sent: Friday, October 20, 2023 3:08 PM
To: Carol Stefanczuk <CStefanczuk@WINCHESTER.GOV.UK>
Subject: Re: Consultation on the review of Licensing Policy under Licensing Act 2003

Hi Carol,

In this section, I was expecting to see something about Summer Fetes, festivals etc in Public areas. e.g. The Worthys Festival which has been held on Eversley Park.

I realise that these events may well include some of the other categories - such as sale of Alcohol or Music performance - although the latter may be "free".

I note Section 1 refers to places that are current licenced which does make a reference to this sort of thing, but as section 2 is where the document defines what requires a licence I think some reference to these types of activities should be included in section 2 - see below:

PART 2: INTRODUCTION

2.1 Winchester City Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:

- Retail sale of alcohol
- Supply of hot food or drink from premises between 2300 and 0500 hours
- Supply of alcohol to club members
- Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances

Regards

Steve

Cllr Steve Cramoysan
Councillor for Worthys Ward
Winchester City Council
Chair Kings Barton Forum
Chair Health & Environment Committee
Deputy Scrutiny Committee

From: Licensing <licensing@winchester.gov.uk>

Sent: 20 September 2023 15:35

Subject: Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

I am writing to consult you on the draft Licensing Policy for Winchester City Council.

At a recent Licensing and Regulation Committee, the Licensing Policy was considered for review with proposed changes in accordance to Section 5 of the Licensing Act 2003.

A 'clean' copy of the proposed Policy with amendments can be found attached or on the Council's website at www.winchester.gov.uk/licensing/alcohol-entertainment-late-night-refreshment/licensing-policy-and-fees. A tracked changed version is available as part of the [Licensing and Regulation Committee report pack](#).

If you have any comments regarding these changes, please provide them in writing to licensing@winchester.gov.uk or to the Licensing Manager at the address below, **no later than 22 October 2023**.

Any comments received will be referred back to the Licensing and Regulation Committee for consideration after which it will be recommended for adoption by full Council.

If you have any queries, please don't hesitate to contact me.

Yours sincerely,

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188



Carol Stefanczuk

From: Licensing
Subject: FW: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

From: Richard Doughty <parishclerk@itchenvalleyparishcouncil.org.uk>
Sent: Friday, October 20, 2023 4:10 PM
To: Licensing <licensing@winchester.gov.uk>
Subject: Re: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

Comments from Itchen Valley Parish Council are:

- 1. We suggest that it should be policy to require WCC to publish a redacted licence on line, thereby removing the process of a request for each Licence. Licences would be available to the public in a similar way to planning applications and permissions.*
- 2. We suggest that Para 1.5 should reference Section 62 (1) (2) of the Environment Act 1995 and contain the words of that Act, which states that where there is a conflict between the statutory purposes of national parks **any relevant authority** shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park, This is so as to avoid any conflict with the law and make it clear that it is not only the SDNP as planning authority but WCC as licencing authority is also bound by the legislation*

Kind regards,

Richard

Richard Doughty
Clerk and Responsible Finance Officer
Itchen Valley Parish Council

On 12 Oct 2023, at 2:11 pm, Licensing <licensing@winchester.gov.uk> wrote:

Dear Consultee,

Further to my email of 20 September 2023 (see below), please note that the final date for comments on the review of Winchester City Council's Licensing Policy is **22 October 2023**.

If you have any queries, please reply to this email.

Kind regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

From: Licensing <licensing@winchester.gov.uk>

Sent: Wednesday, September 20, 2023 3:35 PM

Subject: Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

I am writing to consult you on the draft Licensing Policy for Winchester City Council.

At a recent Licensing and Regulation Committee, the Licensing Policy was considered for review with proposed changes in accordance to Section 5 of the Licensing Act 2003.

A 'clean' copy of the proposed Policy with amendments can be found attached or on the Council's website at www.winchester.gov.uk/licensing/alcohol-entertainment-late-night-refreshment/licensing-policy-and-fees. A tracked changed version is available as part of the [Licensing and Regulation Committee report pack](#).

If you have any comments regarding these changes, please provide them in writing to licensing@winchester.gov.uk or to the Licensing Manager at the address below, **no later than 22 October 2023**.

Any comments received will be referred back to the Licensing and Regulation Committee for consideration after which it will be recommended for adoption by full Council.

If you have any queries, please don't hesitate to contact me.

Yours sincerely,

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

Itchen Stoke and Ovington Parish Council

Subject

Winchester City Council, Statement of Licensing Policy, Licensing Act 2003

Review 2023

Background

The Parish Council has received notification that Winchester City Council is consulting on a draft review of its current Licensing Policy which expires in 2024.

Further to discussions on the Review Paper, Itchen Stoke and Ovington Parish Council wishes to submit to the Licensing Authority the following formal comment.

Comment

On page 3 of the Review Paper, under the heading "Other Legislation" there is no mention of Section 62 (2) of the Environment Act. 1995. This section of the Environment Act 1995 requires a Licensing Authority "to have regard for the purposes of a National Park" when considering applications relating to land within a National Park.

The Parish Council endorses and supports the South Downs National Park Authority in respect of its response to the lack of visible commitment within "Other Legislation" in the draft SoLP to have a specific duty to consider the purposes of a National Park rather than a loose "regard".

The SDNPA's response references **Paragraph 1.7** in the draft SoLP and is quoted below:-

"This paragraph includes a commitment for the Licensing Authority to have regard to the purpose of the SDNP when considering applications ensure that they are respected. We would suggest that this is strengthened to refer specifically to this 'regard' being a specific duty of the Licensing Authority (as a relevant Authority) as set out in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 62 of the 1995 Environment Act). Please note that in response to the Landscapes Review (2019) the Government is considering the strengthening of this Duty of Regard."

The Parish Council is particular concerned that this Duty of Regard is strengthened so that the process which led to the grant of licensing decisions such as were seen on 30 July 2019 to the benefit of Boomtown can be subject to much greater scrutiny.

In this case, the WWC Licensing Sub-Committee allowed a premises licence for an attendance of 85,999 at Boomtown against a background where the planning permission granted by SDNP only allowed a lawful attendance of 64,999.

More importantly, however, was the fact that at the Hearing at the Guildhall it transpired that a letter from the SDNPA drawing attention to Section 62 requirements was not included in the Licensing Authority's report for the Hearing and efforts by concerned local Parish Councils and local residents to raise the profile of this legal requirement were all in vain.

Itchen Stoke and Ovington Parish Council respectfully but strongly suggest the draft SoLP 2023 is revised to include a strengthening of a specific duty of regard as outlined above.

David Cook

Chairman, Itchen Stoke and Ovington Parish Council

21 October 2023

Carol Stefanczuk

From: Licensing
Subject: FW: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

From: Town Clerk <townclerk@newalresford-tc.gov.uk>
Sent: Thursday, October 26, 2023 10:32 AM
To: Licensing <licensing@winchester.gov.uk>
Subject: Re: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

Many thanks for your response.

The only comment in Council relates to online access:

We suggest that it should be policy to require WCC to publish a redacted licence on line, thereby removing the process of a request for each Licence. Licences would be available to the public in a similar way to planning applications and permissions.

Kind regards,

Richard

Richard Doughty
Town Clerk & Responsible Financial Officer
New Alresford Town Council

Tel: REDACTED

E-mail: townclerk@newalresford-tc.gov.uk

Website: <https://scanner.topsec.com/?d=2475&r=show&u=www.newalresford-tc.gov.uk&t=f151ba6c2d498294eeba1f2f828a85ce386da704>

On 24 Oct 2023, at 7:51 pm, Licensing <licensing@winchester.gov.uk> wrote:

Dear Richard,

Please accept my apologies for the delayed response. I am currently on annual leave and logging in this evening to summarise any comments received during the consultation period for senior officers to discuss at a meeting tomorrow. Due to tight internal timescales, I am unable to publicly extend the consultation period. However, should you submit comments after the deadline, it may be possible to include these for consideration. Please note, this would be for senior officers to decide so I cannot guarantee that your comments would be included in the final report to the Licensing and Regulation Committee.

Kind regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

From: Town Clerk <townclerk@newalresford-tc.gov.uk>

Sent: Tuesday, October 17, 2023 10:14 AM

To: Licensing <licensing@winchester.gov.uk>

Subject: Re: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Carol,

I phoned last week to request an extension to your deadline as the first Council Meeting following your request for feedback is on Tuesday 24 Oct.

I would like full council to discuss and I will be able to send comments on Wed 25 Oct.

Kind regards,

Richard

Town Clerk & Responsible Financial Officer
New Alresford Town Council

From: Licensing <licensing@winchester.gov.uk>

Sent: 12 October 2023 14:11

Subject: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

Further to my email of 20 September 2023 (see below), please note that the final date for comments on the review of Winchester City Council's Licensing Policy is **22 October 2023**.

If you have any queries, please reply to this email.

Kind regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

From: Licensing <licensing@winchester.gov.uk>

Sent: Wednesday, September 20, 2023 3:35 PM

Subject: Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

I am writing to consult you on the draft Licensing Policy for Winchester City Council.

At a recent Licensing and Regulation Committee, the Licensing Policy was considered for review with proposed changes in accordance to Section 5 of the Licensing Act 2003.

A 'clean' copy of the proposed Policy with amendments can be found attached or on the Council's website at www.winchester.gov.uk/licensing/alcohol-entertainment-late-night-refreshment/licensing-policy-and-fees. A tracked changed version is available as part of the [Licensing and Regulation Committee report pack](#).

If you have any comments regarding these changes, please provide them in writing to licensing@winchester.gov.uk or to the Licensing Manager at the address below, **no later than 22 October 2023**.

Any comments received will be referred back to the Licensing and Regulation Committee for consideration after which it will be recommended for adoption by full Council.

If you have any queries, please don't hesitate to contact me.

Yours sincerely,

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

Carol Stefanczuk

From: Licensing
Subject: FW: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003
Attachments: Draft Licensing Policy 2023_for consultation.pdf

From: Jackson, Stuart (3354) <stuart.jackson@hampshire.police.uk>
Sent: Monday, October 16, 2023 2:21 PM
To: Licensing <licensing@winchester.gov.uk>
Subject: FW: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Licensing,

I hope this finds you well. Regarding the attached I have no comments to make.

Kind Regards

Stu

Sergeant 3354 Stuart Jackson
Force Licensing & Alcohol Harm Reduction Sergeant
Hampshire and Isle of Wight Constabulary
Southampton Central Police Station
External: 101 | Internal: 4744226
Email - stuart.jackson@hampshire.police.uk
www.hampshire.police.uk
www.victimsupport.org.uk
[Licensing \(sharepoint.com\)](#)

From: Licensing <licensing@winchester.gov.uk>
Sent: 12 October 2023 14:12
Subject: REMINDER Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

Further to my email of 20 September 2023 (see below), please note that the final date for comments on the review of Winchester City Council's Licensing Policy is **22 October 2023**.

If you have any queries, please reply to this email.

Kind regards
Carol

Carol Stefanczuk
Licensing Manager

Winchester City Council

Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188



From: Licensing <licensing@winchester.gov.uk>

Sent: Wednesday, September 20, 2023 3:35 PM

Subject: Consultation on the review of Licensing Policy under Licensing Act 2003

Dear Consultee,

I am writing to consult you on the draft Licensing Policy for Winchester City Council.

At a recent Licensing and Regulation Committee, the Licensing Policy was considered for review with proposed changes in accordance to Section 5 of the Licensing Act 2003.

A 'clean' copy of the proposed Policy with amendments can be found attached or on the Council's website at www.winchester.gov.uk/licensing/alcohol-entertainment-late-night-refreshment/licensing-policy-and-fees. A tracked changed version is available as part of the [Licensing and Regulation Committee report pack](#).

If you have any comments regarding these changes, please provide them in writing to licensing@winchester.gov.uk or to the Licensing Manager at the address below, **no later than 22 October 2023**.

Any comments received will be referred back to the Licensing and Regulation Committee for consideration after which it will be recommended for adoption by full Council.

If you have any queries, please don't hesitate to contact me.

Yours sincerely,

Carol Stefanczuk
Licensing Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk/licensing

Tel: 01962 848 188

