

REPORT TITLE: ADOPTION OF LICENSING POLICY

17 JANUARY 2024

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Carol Stefanczuk Tel No: 01962 848 529
Email: cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

At the meeting of the Licensing and Regulation Committee on 6 December 2023, Members resolved to recommend, subject to amendments, the Licensing Policy to Council for approval and adoption.

RECOMMENDATIONS:

That Council adopt the Council's Statement of Licensing Policy as set out in Appendix 1 to the report.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The Policy aims to promote a thriving economy for individuals and businesses providing licensable activities, whilst ensuring that they comply with the law and seeks to balance supporting local businesses and using powers available to officers to ensure that the Winchester district is a pleasant place to live, work and visit.
- 1.2 The Policy sets out the powers available to officers and any person negatively impacted by the provision of licensable activities and where they consider the licensing objectives are not being met.

2 CONSULTATION AND COMMUNICATION

- 2.1 At the Licensing and Regulation Committee on 5 September 2023, Members considered the draft reviewed Policy and made minor amendments to approve the draft Policy for consultation – [LR577 refers](#).
- 2.2 The Licensing and Regulation Committee on 6 December 2023 considered a further draft of the Policy which summarised changes in response to this consultation, in addition to corrections to typographical errors.
- 2.3 In recommending the policy for adoption by Council, the committee also resolved that authority be delegated to the Licensing Manager, in consultation with the chair of the Committee and the Cabinet Member for Place and Local Plan, to agree revised wording to the Policy (if required) in response to the requirements of the Levelling-Up and Regeneration Act 2023,
- 2.4 Appendix 1 to this Report sets out the Policy recommended for adoption by Council. This is inclusive of the changes agreed by the Licensing and Regulation Committee, in addition to those in response to the Levelling-Up and Regeneration Act 2023. Appendix 2 is an extract of the minutes of the Licensing and Regulation Committee on 6 December 2023 for Council's information..

3 ENVIRONMENTAL CONSIDERATIONS

- 3.1 None

4 PUBLIC SECTOR EQUALITY DUTY

- 4.1 An Equality Impact Assessment (EqIA) was completed and considered at the [Licensing and Regulation Committee on 5 September 2023](#).

5 DATA PROTECTION IMPACT ASSESSMENT

- 5.1 None

6 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	
Exposure to challenge	The adoption of the Policy could be challenged by Judicial Review, but as the proposed changes are minor and legal advice has been provided for the process, a challenge is considered unlikely. A formal consultation process has been carried out.	
Innovation	N/A	
Reputation	The Policy aims to strike a balance between obtaining all the benefits provided by licensed premises and events, and ensuring that their impact is properly controlled and balanced against other community interests.	
Achievement of outcome	Where representations are received against applications, these decisions are made by the Licensing Sub-Committee where the Policy and national guidance are considered as part of the decision-making process.	
Property	N/A	
Community Support	All elected Members and Parish Clerks were consulted on the Policy review. All comments received were considered by the Licensing and Regulation Committee.	
Timescales	The current Policy will be active until the reviewed Policy has been adopted.	

Project capacity	N/A	
Other	N/A	

7 SUPPORTING INFORMATION:

Introduction

- 7.1 The City Council as the Licensing Authority is required to review and publish its Statement of Licensing Policy every five years, under section 5 of the Licensing Act 2003.
- 7.2 The current Statement of Licensing Policy (“the Policy”) was adopted by full Council on 28 February 2019 for the period 7 February 2019 to 7 February 2024.
- 7.3 A review of the Policy has taken place primarily to include updates to legislation and guidance during the five-year period.

Policy review process

- 7.4 Officers reviewed the Policy to take into consideration updates to legislation and relevant guidance and to promote awareness of national and local campaigns for applicants to consider when submitting applications.
- 7.5 At the meeting of the Licensing and Regulation Committee on 5 September 2023, Members approved the draft Statement of Licensing Policy for consultation. Report [LR577](#) refers.
- 7.6 Consultation took place between 20 September 2023 and 22 October 2023. All City Councillors and Parish Clerks were consulted, in addition to agencies as ‘Responsible Authorities’ under the Licensing Act 2003, Winchester BID, Winchester Pubwatch, Tenant and Council Together (TACT) and trade organisations. A list of all consultees can be found at paragraph 6.3 above.
- 7.7 Comments were received from; Cheriton Parish Council, South Downs National Park Authority, Cllr Cramoysan, Itchen Valley Parish Council, Itchen Stoke and Ovington Parish Council and New Alresford Town Council.
- 7.8 Members considered the comments at the Licensing and Regulation Committee meeting on 6 December 2023; report [LR578](#) refers. An extract of the minutes of the committee is included at Appendix 2 for information.
- 7.9 During the meeting on 6 December 2023, Cllr Pett made Members and Officers aware of the recent publication of the Levelling-Up and Regeneration Act 2023, which sets out duties in relation to National Parks. Members agreed that it be delegated to the Licensing Manager, in consultation with the Chair of Licensing and Regulation Committee and Cabinet Member for Place and Local Plan, to review the legislation and amend the Policy, if appropriate, and that the Policy is recommended to Council for approval and adoption.

- 7.10 Following consultation with the South Downs National Park Planning Link Officer, Cllr Laming (Chair) and Cllr Porter (Cabinet Member) agreed to the following amendment to the Policy, in light of the Levelling-Up and Regeneration Act 2023:

1.7 The licensing objectives collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who choose to socialise in them. The licensing authority will seek to further the SDNP purposes when considering applications to ensure they are respected, as set out in section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245 of the Levelling-Up and Regeneration Act 2023).

- 7.11 The above amendment is shown tracked changed in Appendix 1 and requires the council to 'seek to further' the South Downs National Park purposes, instead of to 'have regard to'.
- 7.12 Any amendments to the Policy must be adopted by full Council prior to publication.
- 7.13 The revised Statement of Licensing Policy can be found at Appendix 1 of the report.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[LR578 – Review of Statement of Licensing Policy under the Licensing Act 2003 – update following consultation – 6 December 2023.](#)

[LR577 – Review of Licensing Policy under the Licensing Act 2003 – 5 September 2023](#)

Other Background Documents:-

[Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – 16 August 2023](#)

[Section 11A of the National Parks and Access to the Countryside Act 1949](#)

[Section 245 of the Levelling-Up and Regeneration Act 2023](#)

APPENDICES:

Appendix 1 – Statement of Licensing Policy 2023

Appendix 2- Extract of minutes of the Licensing and Regulation Committee, 6 December 2023.