

REPORT TITLE: REVIEW OF LICENSING POLICY UNDER LICENSING ACT 2003

6 DECEMBER 2018

REPORT OF PORTFOLIO HOLDER: Cllr Jan Warwick, Portfolio Holder for Environment

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WARD(S): ALL

#### PURPOSE

The City Council as the Licensing Authority is required to review and publish its Licensing Policy under the Licensing Act 2003 every five years. The next review is due for adoption in January 2019.

This report seeks to make minor amendments to the Policy as detailed in the report.

#### RECOMMENDATIONS:

1. That the reviewed Draft Licensing Policy at Appendix 1, including any amendments by the Licensing and Regulation Committee, be approved for consultation as detailed in paragraphs 11.7 to 11.10 of the report.
2. That following the consultation period, should no comments be received, that the Draft Licensing Policy as sent out for consultation be recommended for adoption at the next available Council meeting.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 The Licensing Policy relates to the third Strategic Outcome; 'Improve the health and happiness of our community' by supporting the delivery of a programme of events across the District.
- 1.2 It also relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

### 2 FINANCIAL IMPLICATIONS

- 2.1 None

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Licensing Policy must be review every five years as required by the Licensing Act 2003.

### 4 WORKFORCE IMPLICATIONS

- 4.1 None

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

### 6 CONSULTATION AND COMMUNICATION

- 6.1 The proposed changes to the Licensing Policy will go through a full consultation process following approval at the Licensing and Regulation Committee on 6 December 2018 – see paragraphs 11.7 to 11.10 below.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

### 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None

### 9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required

10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	N/A	
<i>Community Support</i>	All elected Members and Parish Clerks will be consulted.	
<i>Timescales</i>	The current Policy will be live until the reviewed Policy has been adopted.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Policy could be challenged by Judicial Review, but as the Council's decision-making process is lawful, a challenge is considered unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	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.	
<i>Other</i>	N/A	

11 SUPPORTING INFORMATION:Introduction

- 11.1 This report has been written by Carol Stefanczuk, Licensing Manager, on behalf of the Licensing Authority.
- 11.2 The Licensing Authority is required under section 5 of the Licensing Act 2003 to review and publish its Licensing Policy every five years.
- 11.3 The current Licensing Policy ("the Policy") was adopted by full Council on 13 April 2016, following a review of some sections, for the period of 7 January 2014 to 6 January 2019.
- 11.4 The Policy must be taken into account when the Council is exercising its Licensing Act 2003 functions.

### Changes proposed

11.5 The draft Licensing Policy at Appendix 1 details the proposed changes which are shown tracked.

11.6 The changes are minor as set out below:

- a) Page 7. Remove the list of Council Strategies

**Reason:** Titles of Council Strategies/Plans change. To avoid confusion it is considered more appropriate to refer generically to 'Council Strategies'.

- b) Page 13. Update in relation to outdoor events; applicants may be required to attend a meeting of the Safety Advisory Group.

**Reason:** For consistency of approach for events, which have been risk rated and identified by the Safety Advisory Group Members as an event that requires assessment from the relevant agencies.

- c) Page 15. Remove the paragraph that refers to the City Council obtaining Premises Licences for public areas.

**Reason:** The City Council does not hold any Premises Licences for public areas.

- d) Page 19. Update the paragraph to encourage applicants to consult "the relevant Responsible Authorities" rather than name a selection of Responsible Authorities.

**Reason:** Depending on the nature of the application, it may be appropriate to contact one or more of the Responsible Authorities.

- e) Page 21. Remove the expectation that licensees are familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees handbook.

**Reason:** The handbook no longer exists and we are unaware of an alternative.

- f) Page 21. Remove the expectation that licensees follow the recommendations of the "Safer Clubbing" book.

**Reason:** This book is outdated.

- g) Page 28. Add a paragraph relating to nuisance and anti-social behaviour away from a licensed premises.

**Reason:** For clarity.

## Consultation

11.7 Before adopting the Policy, the Council will consult:-

- The Chief Officer of Police for Hampshire
- The Chief Officer of Hampshire Fire and Rescue Service
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing businesses and residents in the Council's area
- The relevant area Child Protection Teams
- Primary Care Trust or Health Board
- Any other bodies the Council deems appropriate, e.g. Winchester BID

11.8 The consultation period will run from 20 December 2018 to 20 January 2019. The draft Policy will be available to view on the Council's website.

11.9 Any comments received will be reported to the Licensing and Regulation Committee on 21 February 2019 and the final version be recommended to full Council on 28 February 2019. Only full Council has the power to adopt the final Policy.

11.10 If no comments are received, the recommendation is for the Licensing and Regulation Committee to allow the draft Policy (including any changes made by the Members at the meeting on 6 December 2018) to be submitted directly to full Council for adoption on 28 February 2019.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 Not applicable

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

LR 468 – Review of Statement of Licensing Policy 2016 – comments received following consultation – 17 March 2016

LR 463 - Review of the Statement of Licensing Policy 2016 – 14 January 2016

LR 422 – Review of Licensing Policy 2014 – 10 October 2013

LR 410 – Review of Licensing Policy 2014 – 13 June 2013

#### Other Background Documents:-

None

APPENDICES:

Appendix 1 – Draft Licensing Policy January 2019