

REPORT TITLE: ADOPTON OF LICENSING POLICY UNDER THE LICENSING ACT 2003

28 FEBRUARY 2019

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

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WARD(S): ALL

PURPOSE

At the Licensing and Regulation Committee on 21 February 2019, Members resolved to approve the revised Licensing Policy under the Licensing Act 2003.

Prior to publication, the reviewed Licensing Policy must be adopted by the Council.

RECOMMENDATIONS:

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

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 All fees under the Licensing Act 2003 are set by central government.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Licensing Policy must be reviewed every five years as required under 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 consultation period was held from 20 December 2018 to 20 January 2019.
- 6.2 The consultation was available on the Council's website. In addition, the following parties were directly consulted:-

Chief Constable of Hampshire Constabulary	Police and Crime Commissioner for Hampshire
Hampshire Constabulary - Licensing	Hampshire Fire and Rescue Service
Child Protection - Hampshire County Council	Environmental Health - Winchester City Council
Development Management - Winchester City Council	South Downs National Park Authority
All Members – Winchester City Council	All Parish Clerks

Winchester Pub Watch	Winchester BID
BIIAB	British Beer and Pub Association
Punch Taverns	Fuller Smith & Turner
Greene King Retailing Limited	Enterprise Inns Plc
Marstons Plc	Wadworth and Co. Limited

6.3 During the consultation period, comments were received from; Environmental Health (WCC), Hampshire Constabulary, South Downs National Park Authority, Cheriton Parish Council, Cllr Hugh Lumby and the British Beer and Pub Association.

6.4 Hampshire Constabulary and the British Beer and Pub Association wrote in support of the revised Policy.

## 7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

## 8 EQUALITY IMPACT ASSESSEMENT

8.1 There is a need to have a regard to the public sector duty of equality when reviewing the Licensing Policy.

## 9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

## 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 were consulted on the Policy review.	
<i>Timescales</i>	The reviewed Policy will take effect once adopted by Council.	
<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 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.
- 11.2 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.
- 11.3 The current Licensing Policy was adopted by full Council on 13 April 2016 following a review to include consideration of the purposes and duties of the South Downs National Park.

### Review of Licensing Policy

- 11.4 Officers reviewed the Licensing Policy and made minor amendments to bring the document up to date.
- 11.5 Consideration was given to all comments received; the majority of which were included in the revised Policy presented to the Licensing and Regulation Committee on 21 February 2019. Report LR517 refers.
- 11.6 At the Licensing and Regulation Committee on 21 February 2019, Members resolved to approve the revised Policy, with minor typographically errors corrected, to be recommended to Council for adoption.
- 11.7 The reviewed Licensing Policy can be found at Appendix 1 of the report.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The South Downs National Park Authority suggested the addition of a specific reference to the International Dark Sky Reserve under the public nuisance

section. This was not included as this is referenced in the SDNPA guidance which has been included in paragraph 1.6 of the Policy.

- 12.2 Cheriton Parish Council suggested a change of wording in relation to noise controls. This was not agreed following the suggested changes by Environmental Health to remove this paragraph.
- 12.3 Cllr Hugh Lumby, Member for Upper Meon Valley Ward, proposed a change in relation to noise controls. This was not agreed following suggested changes by Environmental Health to remove this paragraph. After the circulation of report LR517 and revised Policy, which included the proposed changes by Environmental Health, Cllr Lumby confirmed that he was satisfied with the changes.

#### BACKGROUND DOCUMENTS:-

##### Previous Committee Reports:-

LR517 - Review of Licensing Policy under the Licensing Act 2003 – 21 February 2019

LR514 - Review of Licensing Policy under the Licensing Act 2003 – 6 December 2018

CL126 – Adoption of Licensing Policy – 13 April 2016

LR468 – Review of Statement of Licensing Policy 2016 – comments received following consultation – 17 March 2016

LR463 – Review of the Statement of Licensing Policy 2016 – 14 January 2016

##### Other Background Documents:-

Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2018

#### APPENDICES:

Appendix 1                      Licensing Policy January 2019