
Statement of Licensing Policy – Review and Consultation

Committee considering report:	Council
Date of Committee:	Licensing Committee – 10 July 2023 (Pre-Consultation) Licensing Committee – 06 November 2023 (Post-Consultation) Council 30 November 2023 (For Adoption)
Portfolio Member:	Councillor Lee Dillon
Date Head of Service agreed report:	13 June 2023
Date Portfolio Member agreed report:	22 June 2023
Report Author:	Julia O'Brien
Forward Plan Ref:	C4253

1 Purpose of the Report

- 1.1 To provide the Licensing Committee with an opportunity to review the draft consultation document, prior to it being consulted on. Full Council will be asked to adopt the Policy post consultation.
- 1.2 To seek authority to consult on the Council's Draft Statement of Licensing Policy (SLP) in accordance with the Licensing Act 2003.

2 Recommendations

- 2.1 It is recommended that the Licensing Committee approves for consultation the draft Licensing Policy produced at Appendix A to the report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>There are no financial implications arising from the review of the SLP. All costs associated with the consultation will be met from within existing budgets.</p> <p>The fees with respect to these licences are set by law. Recent years have seen a decline in licensing income as the numbers</p>

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	<p>of licensed premises has reduced. This decline in income has been highlighted through the budget setting process for the Public Protection Partnership and a review of the Licensing Team and discretionary fee structure is one of the agreed priorities for this financial year.</p>
Human Resource:	<p>There are no specific personnel implications arising from this report.</p>
Legal:	<p>West Berkshire Council is required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Licensing Act 2003 ('the Act'). The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and its policy with respect to the exercise of its licensing functions. Section 5 (4) of the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.</p> <p>The current SLP was previously agreed by full Council on the 6th December 2018. To comply with the five year period set out within section 5 of the Licensing Act 2003, this document must be reviewed, consulted on, revised and re-published by the 5th December 2023.</p> <p>Section 5 (3) of the Act sets out the statutory requirements in terms of consultation before determining the revised SLP.</p> <p>The SLP should also be considered alongside the current revised Section 182 guidance issue in December 2022.</p> <p>The references to the constitution and decision making within the revised version of the SLP have been updated.</p> <p>Patricia Brown and Beth Varcoe have been consulted on proposed changes to the current policy.</p>
Risk Management:	<p>There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current SLP.</p>
Property:	<p>None</p>
Policy:	<p>The policy and its subsequent review is required in order to comply with the Licensing Act 2003.</p>

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	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		<p>The consultation will be undertaken in accordance with the Council's Consultation Policy and we will ensure that we take all reasonable steps to ensure that directly affected and interested parties are made aware of the consultation and notified of how they can participate.</p> <p>Any comments received during the consultation, including those relating to equalities, will be reported back to the Licensing Committee.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		<p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>
Environmental Impact:	x			<p>Section 10 of the draft policy addresses the issue of cumulative impact and the impact that a concentration of licensed premises in an area can have on the licensing objectives.</p>

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Health Impact:	x			Although public health is not a licensing objective the Public Health Team will be consulted on the draft policy and health data can be used to identify the impact of premises on the licensing objectives.
ICT Impact:		x		The Consultation will be posted on the Consultation Hub as well as the Public Protection Partnership website.
Digital Services Impact:		x		The Consultation Hub will be used to support the consultation.
Council Strategy Priorities:				The Policy will support the following council priorities: <ul style="list-style-type: none"> • Support businesses to start, develop and thrive in West Berkshire • Ensure our vulnerable children and adults achieve better outcomes
Core Business:				It is a statutory requirement for the Council to have an up to date SLP in place.
Data Impact:				All consultation will be undertaken in accordance with the PPP's privacy statement .
Consultation and Engagement:	<p>The list of consultees is set out in paragraphs 4.7 and 4.8 of the report. The proposed methodology is set out in paragraphs 5.1 to 5.4.</p> <p>The Council's Resource Consultation and Performance Team are being consulted, have assisted with drafting the consultation questionnaire and will assist with uploading the consultation documents onto the Council's Consultation Hub.</p>			

4 Introduction and Background

4.1 The [Licensing Act 2003](#) (hereafter called the Act) regulates licensable activity in England and Wales. These activities are:

- Sale/supply of alcohol;

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- Late Night Refreshment (i.e. provision of hot food or drink between 23h00 and 05h00);
- Regulated entertainment (e.g. a performance of live and recorded music, plays, films, indoor sporting events).

4.2 Businesses and individuals who want to carry out licensable activities must apply to their local authority, in this case West Berkshire Council via the Public Protection Partnership, for permission to do so. Permission is usually granted in the form of a licence. The 2003 Act provides for four different types of authorisation or permission, as follows:

- Premises Licence – to use premises for licensable activities.
- Club Premises Certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
- Temporary Event Notice (TEN) – notice of intention to carry out licensable activities at a temporary event.
- Personal Licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

4.3 Applications for licences must demonstrate that they will promote the four licensing objectives which are:

- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- Protection of Children from Harm.

4.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

4.5 The Section 182 Guidance however confirms that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- (a) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- (b) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- (c) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- (d) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

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- (e) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
- 4.6 West Berkshire Council is required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Act. The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time. The current SLP was published in December 2018, so must be reviewed and republished by December 2023 at the latest.
- 4.7 Before determining the policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Licensing Act 2003 namely:
- The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates;
 - Persons or bodies representative of businesses and residents in its area.
- 4.8 The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation. Details of proposed consultees are set out below. The Licensing Committee is asked to identify any additional bodies or individuals that they believe should be consulted.
- Alcoholics Anonymous
 - Association of Convenience Stores
 - Association of Licensed Multiple Retailers
 - Berkshire West Safeguarding Children's Partnership
 - Bingo Association
 - British Amusement Catering Trade Association
 - British Beer and Pub Association
 - British Institute of Innkeeping
 - British Retail Consortium
 - Building Communities Together Team
 - Federation of Licensed Victuallers
 - Guild of Master Victuallers
 - Health and Safety Executive
 - Home Office – Immigration Enforcement
 - Local residents (via the Consultation Hub and Community Panel)
 - Parish and Town Councils
 - Premises licence and club premises certificate holders
 - Pubwatch
 - Royal Berkshire Fire and Rescue Service
 - Thames Valley Police
 - Via (Charity that provides free and confidential advice and support to help service users manage, reduce or stop their drug or alcohol use)
 - The British Pub Confederation

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- West Berkshire Councillors
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Council Public Health Team
- West Berkshire Council Trading Standards
- West of Berkshire Safeguarding Adults Board

4.9 It should be noted that it is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. This draft policy has therefore been drafted taking into consideration the Bracknell Forest Council iteration of the policy. Licensing has however remained as a function of the individual partner authorities and therefore the processes and terminology used reflects those of West Berkshire.

4.10 Significant changes were made to the current iteration of the policy when it was adopted in December 2018. This iteration of the report includes some minor formatting and typographical changes. The key changes relate to the matters below and are set out in more detail in Appendix B to the report:

- Agent of Change Principles;
- Amendments to Temporary Event Notices in line with legislative changes;
- Reference to current initiatives/ campaigns to safeguard customers in licensed premises;
- Updated delegations as agreed by the Committee on [08 November 2021](#).

5 Proposals

5.1 It is proposed that Officers write to the bodies listed in paragraph 4.8 above to seek their views and comments on the draft policy, subject to the inclusion of any additional bodies identified by the Licensing Committee at this meeting.

5.2 In addition a consultation document will be placed on the Consultation and Engagement Hub and a link to this consultation will be included on the PPP website.

5.3 It is proposed that the draft policy should be subjected to a ten week consultation period starting on the 12 July 2023 and running until the 20 September 2023. This extended consultation period is proposed due to the fact that it will fall over the summer holiday period. The consultation will be promoted on the Public Protection Partnership's social media channels and via a press release.

5.4 The outcome of the consultation and any proposed revisions to the draft policy will be brought to the 06 November 2023 Licensing Committee for discussion. The Committee will then be asked to recommend to full Council (30 November 2023) that the policy be adopted subject to any modifications agreed at the meeting and any proposed at full Council.

6 Other options considered

6.1 To comply with the Licensing Act 2003 a Statement of Licensing Policy must be published so there is no alternative.

7 Conclusion

7.1 The Licensing Act 2003 requires West Berkshire Council to determine and publish its Statement of Licensing Policy at least every five years. The Council must have reviewed the current policy by December 2023. We welcome comments and feedback from residents, businesses, stakeholders and partners on the proposed changes.

8 Appendices

8.1 Appendix A – Draft Statement of Licensing Policy

8.2 Appendix B – Summary of the Changes Made to this iteration of the report.

9 Background Papers:

- Licensing Act 2003
- S182 Guidance

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

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