

Outcome of the Draft Statement of Licensing Policy 2023-2028 Consultation

Background

Under the [Licensing Act 2003](#), West Berkshire Council, along with all licensing authorities, must prepare, adopt and publish a Statement of Licensing Policy (SOLP), every five years or when the council believes the policy requires updating, and our current SOLP is due to expire at the end of December 2023.

Our statement sets out how we will determine applications and applies to any premises which sells or provides alcohol, provides regulated entertainment (for example a performance in front of an audience), or late-night refreshment (i.e., provision of hot food between 23h00 and 05h00) within West Berkshire. Businesses and individuals who want to carry out these licensable activities must apply, via the Public Protection Partnership, for permission to do so.

How we Developed our Draft Policy

The current SOLP was adopted after we consulted local licence holders, Thames Valley Police, the Royal Berkshire Fire and Rescue Service, national bodies that represent the trade, district and parish councillors, residents and colleagues across the Council including Legal Services, Planning, Environment Health, Trading Standards and Public Health in 2018.

In developing the draft SOLP, we have considered national and local policies and strategies, including the Licensing Act 2003, [the Section 182 Guidance](#) issued by the Secretary of State in August 2023, the [Equalities Act 2010](#), the [Licensing Act 2003 \(hearings\) Regulations 2005](#), Section 17 of the [Police and Crime Act 2017](#) and the [Human Rights Act 1998](#).

We also viewed it in the context of the then Council Strategy, which sought to make West Berkshire a great place to live, learn and do business, and the Public Protection Partnerships vision which is to protect and support residents and legitimate businesses through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

Through the process of developing and adopting the SOLP, we aim to facilitate a healthy economy that feels both safe and supported and provides opportunities for residents and visitors to enjoy a broad range of activities while improving the quality of life of residents and increases the attractiveness of the area to visitors.

The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Council will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.

What We Proposed

Our draft SOLP sets out the rules we will consider when granting and enforcing licences and lets businesses, organisations and personal licence holders know how we expect them to operate. It also informs our decisions at any Licensing Committees or Sub-Committees when deciding whether to issue, amend or revoke licences.

The core aim of our policy is to promote the four licensing objectives, as set out in the Licensing Act 2003. These are as follows:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from harm.

Our draft SOLP has been updated to reflect recent changes to the law and updated guidance on licensing. The key changes relate to:

- 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 8 November 2021.

Why We Wanted Your Views

We wanted your views on our draft SOLP, in particular if it is clear, easy to understand, promotes the four objectives of the Licensing Act 2003 and is relevant to West Berkshire.

We also wanted to know if you think that we are planning on taking the right action, and if there is anything we have missed. Our draft SOLP potentially affects everyone who operates a licensed premises, residents, other businesses, and public authorities in our district, we therefore want to make sure that the widest possible number of people are able to comment before it is finalised.

Who and How we Consulted

- The consultation ran from 12 July 2023 to 20 September 2023.
- It was also posted on the Council's Consultation Hub on the 12 July 2023 and on the PPP Website on the same day.
- A notification was also sent out to the 2,537 people on the Community Panel
- In accordance with the requirement set out in section 5(3) Licensing Act we consulted:
 - 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.
- In addition we also wrote to elected members, parish and town councils, officers within the authority, the Health and Safety Executive, the Home Office and the organisations listed in Appendix A of the draft policy.
- A press release was issued on the 13th July 2023 and a notification was put out on social media on the day it was launched and subsequent reminders were issued to draw attention to the consultation.

What you Told Us

The Council received 47 responses to the consultation. Of those responses 44 were submitted via the consultation portal and three were sent directly to officers.

WBC Premise Licence Holder	7
WBC Personal Licence Holder	1
WBC Club Premises Certificate Holder	0
WBC DPS	0
The Owner of a Licensed Premises	1
WBC Council Officer/Team – please specify *	4 (Environmental Protection, Building Communities Team and two others)
Parish/Town Council or Councillor	6
West Berkshire Councillor	1

Public Sector Authority	2 (TVP Licensing and TVP)
West Berkshire Resident	20
West Berkshire Business	2
Community Group	1
General Public	1
Village Hall	1
Total	47

Q2: To what extent do you agree or disagree that the policy is easy to understand?

Twenty-eight responses were received to this question, 71.5% agreed or strongly agreed that the policy was easy to understand and only one respondent commented that it was not easy to understand. Comments received included that it was clear and concise and written in informal language. One respondent commented that it would be easier if there was a national policy as it was difficult to navigate different policies in different authorities.

Strongly Agree	6
Agree	14
Neither Agree or Disagree	7
Disagree	1
Strongly Disagree	0

Q3 and Q4: To what extent do you agree or disagree that the draft policy promotes the prevention of crime and disorder?

Twenty-five respondents answered this question. Sixty percent of the respondents believed the draft policy promoted the prevention of crime and disorder and two respondents disagreed with the statement. There were no specific comments submitted with suggestions to amend the policy. Those submitted related to general enforcement of crime and disorder and were not specifically related to licensing.

Strongly Agree	2
Agree	13
Neither Agree or Disagree	8
Disagree	2

Strongly Disagree	0
Don't Know	0

Q5 and Q6: To what extent do you agree or disagree that the draft policy promotes public safety?

Twenty-five responses to this question were submitted. Of those respondents 64% agreed that the policy promoted public safety, with one respondent disagreeing with the statement and one respondent strongly disagreeing with it. The only comment received stated that the policy would need to be supported by enforcement action.

Strongly Agree	2
Agree	14
Neither Agree or Disagree	7
Disagree	1
Strongly Disagree	1
Don't know	0

Q7 and Q8: To what extent do you agree or disagree that the draft policy promotes the prevention of public nuisance?

A total of 24 responses were received to this question. Of those respondents 67% agreed that the policy promoted the prevention of public nuisance. Three of the respondents disagreed with the statement. Those respondents that disagreed once again referred to the need for enforcement to take place and that it would be useful to be able to react quickly to anti-social behaviour (asb) and lock ins by being able to temporarily close establishments quickly where this asb was occurring.

Strongly Agree	3
Agree	13
Neither Agree or Disagree	5
Disagree	3
Strongly Disagree	0
Don't know	0

Q9 and Q10: To what extent do you agree or disagree that the draft policy protects children from harm?

Twenty-three of the respondents opted to answer this question. Seventy percent of them agreed that the draft policy protected children from harm. Two respondents disagreed or strongly disagreed with the fact that it protected children from harm. No specific suggestions were submitted to improve protection. The comments were of a more general nature around the need to safeguard children's welfare.

Strongly Agree	4
Agree	12
Neither Agree or Disagree	5
Disagree	1
Strongly Disagree	1
Don't know	0

Q11 and Q12: To what extent do you agree or disagree that the draft policy includes everything you think should be in such a policy?

One of the respondents suggested that the policy should include the expectations around Late Night Entertainment venues to include Door Staff with BWV and high viz uniform, the use of ID Scanners for entry to such venues. This should be from 22:00 for venues open beyond 01:00, providing recorded or live music.

Strongly Agree	2
Agree	12
Neither Agree or Disagree	6
Disagree	1
Strongly Disagree	0
Don't know	1

Q13 and Q14: Are there any specific impacts or alternatives that you think the council should consider?

Of the 22 responses to this question, 5 (23%) indicated that there were other impacts that should be considered. The other 17 (77%) stated that there were no further impacts that needed to be considered.

The comments included:

- stop pop up pubs on village greens and alcohol events on a village green.
- The policy does not indicate time scales for reasonable replies to communication regarding applications for licenses and how this should be escalated if not satisfactory.
- Not to let a sports pavilion on a recreation ground which is solely for football and sports, to be used as a public house premises.
- section 12.3 should state Environmental Health (Environmental Protection), section 12.7 should state Environmental Health (Environmental Protection) and section 12.4 line 1 should state "five".
- More stringent controls to who is licensed and also give licencees more power.

Q15: Do you have any other suggestions or comments to make?

We received 11 comments to this question including.

- The whole process needs to be speeded up.
- like I've said in the previous notes, sometimes things need to be explained in simple terms for people who have trouble with English, but I will 100% sure when explained in easier words that I understand. I know my job inside out and licensing, but struggle when companies use words that mean something much simpler.
- Make the process easy for applications of temporary licences for charity/small community events with a quick response to the issuing of the licence.
- I wonder if there is a way of weaving in a positive obligation to partake in 'locally run community safety schemes'.
- I do agree that it would be so helpful for many of the public safety campaigns that we run if there was an expectation rather than a hope that licensees will take part in the campaigns that we run. If there was any way of weaving that expectation in, I think it would contribute considerable to community and public safety.
- One of the respondents identified a few typographical, grammatical and stylistic comments for consideration for inclusion in the document.
- They also commented that 3.3 – is (in relation to plan scale) "however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application" correct? Clearly, there is a tension between the GOV.UK guidance ("Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres.") and the s182 Guidance ("Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information."). Surely the

s.182 guidance trumps the GOV.UK version, so that there is no need for an applicant to agree an alternative plan scale in advance provided that the plans are clear and legible in all respects? 4

What We Are Proposing To Do

Following the consultation officers will consider any proposals for amending the draft policy. A summary of the responses received will be published on the PPP website. The responses and proposed amendments to the draft policy will be presented to the Licensing Committee at its next meeting on Monday, 6 November 2023 for discussion. A final version of the draft policy will be considered by elected Members at the Full Council meeting on Thursday, 30 November 2023.

Once our SOLP has been discussed and approved by Council it will be published on the Council's Strategies, Policies and Plans webpage (<https://www.westberks.gov.uk/policies>) as well as on the PPP website: <https://publicprotectionpartnership.org.uk/licensing/beer-and-entertainment/>