

TITLE	Statement of Licensing Policy 2024 - 2029
FOR CONSIDERATION BY	Council on 21 March 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framaliccio

OUTCOME / BENEFITS TO THE COMMUNITY

In creating this policy, the Licensing Authority is seeking to protect the public and where possible to improve the look and feel of Wokingham borough, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.

The Council is required to consult and publish a Statement of Licensing Policy every five years.

The policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions
- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

RECOMMENDATION

Note the recommendation of the Licensing and Appeals Committee on 23 January 2024 and to approve the revised Statement of Licensing Policy 2024 - 2029 as attached at **Appendix A**.

SUMMARY OF REPORT

The Licensing Act 2003 ('the Act') requires Wokingham Borough Council ('the Authority'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' every five years.

This report provides responses to the public consultation for consideration.

Appendix B – Results of public consultation

Background

1. There are four main licensable activities under the Act:
 - retail sales of alcohol.
 - the supply of alcohol by or on behalf of a club
 - the provision of regulated entertainment; and
 - the provision of late-night refreshment.
2. This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications and reviews of licensed premises.
3. The revised Statement of Licensing Policy 2024 - 2029 is attached at **Appendix A**.

Analysis of issues

4. Section 5 of the Licensing Act 2003 requires that all Local Authorities review their Statement of Licensing Policy every five years.
5. A public consultation was open from 16 October 2023 – 08 January 2024. The results of this consultation are summarised in the content of this report and attached in full at **Appendix B**.

Summary of key amendments to the policy

6. The Council's current policy has been updated to reflect changes in legislation and best practice since it was last reviewed.

Model conditions.

7. The Policy introduces a pool of model licensing conditions, which will provide a level of consistency to the attachment of conditions to a premises licence or club premises certificate. The Model Conditions will assist an applicant to draft their operating schedule - a document that shows what measures the applicant will put in place to address the four licensing objectives; and which can ultimately become conditions on the licence.
8. The Model Conditions will also assist Responsible Authorities when making representations against applications and Members of the Licensing Sub-Committee when deciding what, if any, conditions should be added to a licence if granted.
9. However, it has to be emphasised that these are not standardised conditions. A Licensing Sub-Committee may make any conditions, where deemed appropriate to do so, in order to promote the Licensing Objectives and reflect the circumstances of each case.

Immigration Act 2016

10. The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made on or after 6 April 2017.
11. The Policy provides guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late-night refreshment.

Pre-application advice service

12. The Licensing Service will provide a cost-efficient pre-application service to support business. This service is available at low cost and guides applicants through the licensing process, making suitable use of the model conditions within the revised policy, including template public notices, and template newspaper advert.

Women's safety in the nighttime economy

13. The policy makes reference to the Ask for Angela campaign and bystander intervention training for licensed premises to support a safer night-time environment for women.
14. Other amendments include:
 - including local ward Councillors in consultations for a new premises licence or full variation applications
 - expanded detail on measures to promote the licensing objectives.
 - a section on Child Sexual Exploitation advice
 - promotion of other strategies including a 'Reduce the Strength' strategy, expectations for organisers of White-Collar Boxing Events
 - Counter Terrorism Measures

Public consultation responses

15. The consultation responses show majority support for the new measures within the revised policy. There is support for the Council's approach to including a pool of model conditions, the accreditation of a Best Bar No scheme, and the introduction of a pre-application service for applicants that may wish to use this service rather than a solicitor's firm.
16. Overwhelmingly, there is 92% support of Wokingham's Statement of Licensing Policy 2024 – 2029 including best practice to support women's safety in the nighttime economy. Summarised views expressed by respondents include:

“The Council should amend policy so that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.”

“Free transport home for workers in the hospitality industry working late at night would benefit all workers but would particularly benefit women, to protect them from potential harassment or violence. No-one should have to worry about walking home safely after dark. This would tie in with the Council's aim to be White Ribbon accredited.”

‘We congratulate WBC as the draft statement is an improvement on the existing policy it sets out the general approach in a robust manner.’

‘Particular scrutiny will be provided to any licence variation.’

‘There is a lack of context and granularity’ ... and lack of vision for a licensing strategy.’

‘Commercial activities should adhere to certain principles, benefit to residents, no direct / indirect cost to the council or parish (s), consideration of cumulative impact’

“In my opinion the Council has a responsibility and a duty of care to Wokingham residents and their families who work in the hospitality/licensed premises, as well as customers/users of such premises, to ensure that the policy requires all new alcohol licenses, and those existing licence holders where the process requires these to be renewed/extended, must meet the obligations requirements of an enforceable condition whereby the licensee/premises owner or operator must provide free transport home for anyone working after 11pm. This should be extended to those who finish work close to 11.00pm where no public transport is readily available to their place of residence and should also be at no cost to the employee.”

“It should include protection for ALL employees, as young men are at greater risk from violence than anyone else. Years ago, one of my sons was always provided with a taxi home when working late as a barman for Reading Borough. This was a huge relief to both him and his parents.”

17. During the Licensing and Appeals Committee meeting on 23 January 2024, the draft policy was amended to include the Get ME Home Safely campaign:

Get ME Home Safely is a campaign to make our communities and workplaces safer places. It is a call for change to extend employers’ duty of care to embed safe transport home policies for all workers.

The background to its development is rooted on a concern for the safety of women who work late and unsocial hours, particularly those in low paid jobs who cannot afford taxi travel home and rely on buses and other forms of public transport which are often scarce or simply unavailable after midnight. The campaign is motivated by an incident that occurred in August 2021 where a woman was sexually assaulted on her way home from work after midnight. She had been asked by her manager to work until 1am and was promised paid transport home because the last bus was at half past midnight. An hour before her shift ended, her manager told her she could finish earlier to catch the last bus home. For whatever reason, the last bus never arrived, left to travel home alone, late at night, she was then sexually assaulted.

We know many workers across the UK find it difficult to access safe transport following a late shift. And we are painfully aware of the possible consequences for women journeying alone at night. Incidents such as the brutal kidnap, rape, and murder of Sarah Everard, as well as the experiences from women who have been stalked and assaulted outside of their workplace, are a stark reminder of why we need this campaign, and why this is an issue relevant to the licensing objective of public safety.

New applications and renewal applications seeking licensable hours past 11pm are expected to put provisions in place for their staff working past 11pm, by identifying workable solutions to facilitate safe travel home, such as getting supplemented taxi travel for late shift workers. On application, all Premises Licence Holder's must provide to the Licensing Authority risk assessments that include an individual staff member's journey times and potential hazards once they have left the workplace.

18. Any response or comments received as part of the public consultation but not directly related to the draft Statement of Licensing Policy 2024-2029 will be considered as separate matters, this will also include correspondence from Remenham Parish Council, to which a Licensing Committee for 11th March 2024 has been arranged as the appropriate committee for determination.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer-term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0		
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

Other financial information relevant to the Recommendation/Decision

The revised draft Statement of Licensing Policy 2024 – 2029 is not expected to have any financial implications for the Council beyond the existing budget for the Licensing Service.

Cross-Council Implications

The inclusion of model conditions should assist Responsible Authorities in their role considering applications and making representation when necessary.

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty has been taken in the development of this policy so that it does not have any adverse impact and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken prior to policy implementation.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

No impact on the Council's carbon neutral objective has been identified.

Reasons for considering the report in Part 2

N/A

List of Background Papers

[S182 Licensing Act 2003 Guidance](#)

Contact Keiran Hinchliffe Service Manager – Licensing	Service Enforcement & Safety Service
Telephone No 07933 172 882	Email Keiran.Hinchliffe@wokingham.gov.uk