

TITLE	Review of Statement of Licensing Policy
FOR CONSIDERATION BY	Licensing and Appeals Committee 27 June 2018
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

Wokingham Borough 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 can be reviewed and revised by the authority at any time. The Wokingham Borough Council SLP must undergo a review and be re-published by the end of September 2018.

RECOMMENDATION

That the Committee notes the results of the consultation and determines whether officers should proceed with the drafting for a Cumulative Impact Assessment for the Remenham area.

SUMMARY OF REPORT

The purpose of this report is to update the Committee on the results of the consultation, exercise carried out. The responses received are attached as annexes to the report. The report further details the proposed actions to address the comments, for discussion and consideration.

A decision is now required as to whether officers should proceed with the drafting of a cumulative impact assessment for the parish of Remenham, on the basis of the evidence received during the consultation period.

Background

Before determining the SLP for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:

- 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

Seven responses were received in total. The views of all consultees should be given appropriate weight when the SLP is determined. The intention is to consider a final version of the SLP at the next meeting in September prior to Council approval later in the same month.

Two of the responses received highlight the following matters within the proposed SLP (with officer observations in the second column to explain actions taken as appropriate):

Annex	Comment	Officer response
A	Develop the SLP to make it more comprehensive, in particular to consider the specific impacts caused by large scale events and to bear in mind the specific locality	Officers will bear this in mind, and will also look to develop a guidance document for applicants for applicants to take into account when creating operating schedules, in addition to the SLP and the statutory guidance issued under s182 of the Licensing Act 2003
A	Making SAG a compulsory process and for the SAG to recommend coordinated conditions	Officers would not support this, as the whole premise is that the SAG is an advisory body, however the policy can be amended to highlight the benefit of using SAG for events. It is possible to use licence conditions for certain event documents to be submitted to the Council and all responsible authorities and this will continue to be encouraged to happen via the SAG wherever possible. SAGs do not have the resource or sufficiently frequent meetings to consider applications, but most parties on the SAG are responsible authorities in their own right. It is the role of a licensing officer to ensure coordination amongst responsible authorities on wording of conditions as far as practicable.
A	Consider the use of a mission statement	Officers will look to include this within the draft Policy
A	Decision on whether a representation is irrelevant, frivolous, vexatious etc to be referred to full Committee in all cases	This is not practical within the required timescales. Officers have guidance on how to make this determination and can seek legal advice if unsure. The proposed delegations are taken directly from the s182 Guidance. In addition, any person dissatisfied with a decision of this nature would have a right to ask the Public Protection Manager to review the matter.
A	All licensing decisions to be reported to the full Committee and any ward member entitled to refer any decision to the Committee	Any ward member can make a representation on any application provided they have a legal right to do so (for example they could not object to the transfer of a licence as only the Police or Home Office may object). Officers will look into the best way of communicating licence decisions to Members and will feedback further on this matter.

B	Expand section 5.4 reference GDPR and CCTV	Noted, officers will carry out further research into this area and revise accordingly.
B	Check wording in respect of Enforcement Protocol and Enforcement Policy and include a link where available	Officers will revise wording accordingly and include links if available
B	Suggestions about wording in respect of protection of children from harm and inclusion of examples such as Challenge 25	Officers will revise wording accordingly

In addition, this is a brief summary of the responses with specific reference to cumulative impact in Remenham:

Annex A – Fully in support – for new and variation premises licences, to control proliferation and as an additional power for the Council

Annex B – Does not feel there is sufficient evidence to support this, believes that the impact must be due to a significant number of licensed premises concentrated in one area and operating at the same time

Annex C – Does not feel there is sufficient evidence to support this.

Annex D – Fully in support on grounds of nuisance – noise and traffic and safety (relating to vehicle and emergency access)

Annex F – Fully in support on same grounds as Annex D

Annex G – Fully in support on same grounds as Annex D

It is also noted that responses B and C point out that the Government, when introducing the recent changes to put Cumulative Impact on a statutory footing as part of the Policing and Crime Act 2017 emphasised the importance of decisions being made on the basis of robust evidence which can stand up to scrutiny.

Response C also did not feel the process of consultation was appropriate for a number of reasons as detailed within the response. Officers can confirm the consultation was placed on the Wokingham Council website and that details were sent to all existing licence holders. The consultation sought to request any evidence which would support the introduction of a SLP. Should Members decide to proceed with any significant variations to the SLP, such as the introduction of cumulative impact, additional time will be available for further consultation between this meeting and September if required.

Analysis of Issues

The SLP must, by law, be revised and re-published to take effect from the end of September 2018.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

Statement of Licensing Policy (Sept 2013) Section 182 Guidance (April 2017)

Contact Laura Driscoll	Service Public Protection Partnership
Telephone No 01344 352517	Email laura.driscoll@westberks.gov.uk
Date 12 June 2018	Version No. 1.2