

TITLE	Review of Statement of Licensing Policy
FOR CONSIDERATION BY	Licensing and Appeals Committee on 30 January 2023
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

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 publicly 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

That the Committee **DECIDES** to initiate a public consultation about the revised Statement of Licensing Policy 2023 – 2028.

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 introduces a draft revised policy to be published for public consultation. This Policy has not been yet referred for review by Legal Services but will be before the formal consultation process begins.

Following the consultation a further report to evidence the consultation findings later in the year will be referred back to the Licensing and Appeals Committee.

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.
3. A link to the revised Statement of Licensing Policy 2023-2028 is 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. The previous policy is dated September 2018 and therefore this new Policy needs to be published no later than 31st August.
5. In order to determine the review of policy, a licensing authority must consult with:
 - The Chief Officer of Police for the licensing authority's area.
 - The Fire and Rescue Authority
 - The Director of Public Health
 - Such persons as the Licensing Authority consider being representative of holders of premises licences issued by that authority.
 - Such persons as the Licensing Authority considers to be a representative of holders of club premises certificates issued by that authority
 - Such persons as the Licensing Authority considers to be a representative of holders of personal licences issued by that authority
 - Such persons as the Licensing Authority consider being representative of businesses and residents in the area.

Summary of Key Amendments

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 and 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 night time 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

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 Statement of Licensing Policy is not expected to have any financial implications for the Council beyond the existing budget for the Licensing Service.

Cross-Council Implications

This policy impacts on several Responsible Authorities who come under the umbrella of Wokingham Borough Council. All Responsible Authorities are included in the consultation. 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 will be 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 during the consultation phase.

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

Revised Statement of Licensing Policy 2023-2028

[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