

<b>TITLE</b>	<b>Review of Statement of Licensing Policy 2024</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 23 January 2024
<b>WARD</b>	(All Wards);
<b>LEAD OFFICER</b>	Director, Place and Growth - Giorgio Framalocco

## **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 considers the responses to the public consultation including the *Get Me Home Safely* campaign and consider the response from both Remenham Parish Council and Remenham Farm Residents Association requesting a Cumulative Impact Assessment for their area as part of the revised Statement of Licensing Policy 2024.

## **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 by members of the Licensing Committee.

**Appendix A** – Draft Statement of Licensing Policy 2024

**Appendix B** – Results of public consultation

**Appendix C** – Response from Remenham Farm Residents Association and Remenham Parish Council

## **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 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 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

### **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 None scheme, and the introduction of a pre-application service for applicants that may wish to use this service rather than a solicitors firm.
16. Overwhelmingly, there is 92% support of Wokingham's Statement of Licensing Policy including best practice to support women's safety in the night time economy. 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.”

“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. A response from Remenham Parish Council and Remenham Farm Residents Association is included at **Appendix C**. A summary of this response is detailed below:

18. “It is the view of the Parish Council and the Remenham Farm Residents Association that the forthcoming Statement of Licensing Policy needs to address:”

“[1] Cumulative Impact within and surrounding the parish, the local area profile will be an invaluable evidential resource in the development of the required Cumulative Impact Assessment. The Parish Council take the view that Remenham has long passed the threshold of unacceptable cumulative impact. (The effect of the special policy is that the Council will refuse applications for a new Premises Licence, of Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representations, unless an application can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.) The Parish Council take the view that the Licensing Authority ought to undertake a Cumulative Impact assessment as a matter of urgency – the Parish Council are keen to assist in this endeavour.”

“[2] Framework Hours and activities. The Parish Council and Residents Association takes the view that the local area requires a special policy in respect of framework hours and activities within the parish and local area.”

“[3] Environmental Impacts Policy. The Parish Council and Residents Association take the view that the council needs to consider the wider environmental impacts of these large-scale events on a rural area.”

“[4] Temporary Events Notice Policy (“TENs”). The Parish Council and Residents Association is of the view that TENs are used to add to the existing offerings often used as a way of circumnavigating licensing requirements. The Parish Council and Residents Association take the view that a policy statement setting out the expectations of the licensing authority in respect of applicants, the Environmental Health team and the Police would be a useful addition to policy.”

“[5] Dedicated Remenham Parish Safety Advisory Group (“SAG”). The Parish Council and Residents Association considers that the terms and participation of a SAG should be set out in the policy to provide greater transparency and participation to the local community and its representatives.”

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

Should members initiate the request for a Cumulative Impact Assessment for Remenham, this may have implications on the service or one-off cost of legal fees to action.

### **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](#)

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