

Report for: ACTION
Item Number: 4



Contains Confidential or Exempt Information	NO
Title	Statement of Licensing Policy
Responsible Officer(s)	Craig Miller - Community Protection and Enforcement Lead
Contact officer, job title and phone number	Steve Johnson – Enforcement Principal 01628 683555
Member reporting	Cllr Majeed
For Consideration By	Licensing Panel
Date to be Considered	14 th July 2015
Implementation Date if Not Called In	5 th January 2016
Affected Wards	All
Keywords/Index	Licensing policy

<p>Report Summary</p> <p>1. The council is required to update its Licensing Policy to come into effect on 5th January 2016.</p> <p>2. At previous Licensing Panels, Members approved the process and timetable to ensure this happens and also approved a draft policy for consultation.</p> <p>3. Members are now asked to approve the current draft for consideration by Full Council.</p>
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If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Residents can be assured of having a policy in place which will assist with controlling levels of nuisance and anti-social behaviour, particularly in town centres and which will be part of a holistic approach to the management of the evening and night-time economy.	5 th January 2016

1. Details of Recommendations

RECOMMENDATION:

That Members endorse the draft policy attached to this report for forwarding to Full Council for final approval.

2. Reason for Recommendation and Options Considered

- 2.1. At a previous Licensing Panel, Members authorised the process and timetable for producing a new Licensing Policy for the borough. In addition, the broad categories to be included were also approved, as was a consultation process.
- 2.2. Attached as Appendix A is a copy of the proposed policy which now includes all of the changes made as a result of the consultation.
- 2.3. Following approval by this Panel, the policy will also have to be approved by Full Council and may be amended at any stage during the process.
- 2.4. As part of the consultation process there has been a specific meeting with the local police commander and her officers. Both she and Members of the council have expressed their concerns about the effects of later opening hours on residents and on crime and disorder in the area, most particularly in Windsor town centre.
- 2.5. As a result, it has been suggested that there should be a more strategic approach to licensing hours in particular. A schedule of the expected hours for different types of premises has been suggested and this is included in the draft policy document.
- 2.6. Of course, these hours are not set in stone and if an applicant wishes to depart from them, reasons for departure from the policy can be given to Members of the Licensing Panel Sub-Committee if relevant representations are made. The strategy cannot be applied retrospectively but where individual premises are causing problems, they will be subject to the usual review process.
- 2.7. The revised draft policy also includes, for the first time, specific reference to the issue of child sexual exploitation and what the borough expects of licence holders in reference to safeguarding children from this sort of activity.
- 2.8. In view of the changes, we will continue to display the proposed policy on the RBWM website so that anyone can make representations about the changes but, in the meantime, Members are asked to endorse the draft policy (with amendments if necessary) for forwarding to Full Council for its final approval.

Options	Comments
This is a statutory requirement and the council is required to comply.	At this stage Members are being asked to approve the proposed policy to be forwarded to Full Council.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% change in annual anti-social behaviour (ASB) incidents areas where alcohol related ASB is the issue	>0 %	0% to -2%	-2% to -10%	>- 10%	5 th January 2017
% change in annual complaints regarding other ASB issues related to licensed premises	>0 %	0% to -2%	-2% to -10%	>- 10%	5 th January 2017
% change in annual complaints regarding noise nuisance related to licensed premises	>0 %	0% to -2%	-2% to -10%	>- 10%	5 th January 2017

4. Financial Details

None

5. Legal Implications

The requirement to have a Licensing Policy statement is contained in Section 5 of the Licensing Act 2003. The new policy must be in place on 5th January 2016 and will then continue in effect for 5 years.

6. Value for Money

N/A

7. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Non-compliance with a statutory requirement	Licensing Policy Statement is not put in place	Policy Statement is reviewed and published every 5 years	Policy Statement is available on the borough's website

9. Links to Strategic Objectives

This links to work for safer and stronger communities. The council's statement of Licensing Policy is a key aspect of the control of nuisance and anti-social behaviour and is part of a holistic approach to the management of the night time economy.

Our Strategic Objectives are:

Residents First

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Value for Money

- Deliver Economic Services
- Improve the use of technology
- Increase non-Council Tax Revenue
- Invest in the future

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

Equipping Ourselves for the Future

- Equipping Our Workforce
- Developing Our systems and Structures
- Changing Our Culture

10. Equalities, Human Rights and Community Cohesion

A full EQIA is not anticipated at this stage.

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

The following have been consulted:-

The chief officer of police for the area
 The Royal Berkshire Fire and Rescue Service
 The Director of Public Health
 Persons/bodies representative of local licence holders (e.g. Licensed Victuallers Associations and Pub watches)
 Persons/bodies representative of local club premises certificate holders
 Persons/bodies representative of businesses and residents in the area
 All Members of the Royal Borough
 All Parish Councils
 Local Chambers of Commerce

In addition, the information has been available on the Council's website and in newsletters to residents and other Council publications

15. Timetable for Implementation

July 2014	Panel considers proposals for commencing process
October 2014	Panel considers first draft of new policy and authorises commencement of consultation
November 2014	Consultation until March 2015
July 2015	Panel considers feedback on consultation and final draft of policy and makes recommendation to Full Council
September 2015	Full Council considers recommendation from Licensing Panel
5 th January 2016	Policy comes into effect

16. Appendices

Appendix A – Draft Statement of Licensing Policy

17. Background Information

Section 5 Licensing Act 2003
 RBWM's current Statement of Licensing Policy

18. Consultation (Mandatory)

Name of Consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	03/07/2015	03/07/2015	
Cllr Cox	Lead Member	02/07/2015	03/07/2015	
Cllr Majeed	Licensing Panel Chairman	02/07/2015	03/07/2015	
Simon Fletcher	Strategic Director of Operations	02/07/2015		
Neil Allen	Shared Legal Services	02/07/2015		

Report History

Decision type:	Urgency item?
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Non-key decision	No
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Full name of report author	Job title	Full contact no:
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