

Report for: ACTION
Item Number: 4



Contains Confidential or Exempt Information	NO PART 1
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 Asghar Majeed
For Consideration By	Licensing Panel
Date to be Considered	18 th November 2015
Implementation Date if Not Called In	5 th January 2016
Affected Wards	All
Keywords/Index	Licensing policy

<p>Report Summary</p> <ol style="list-style-type: none"> 1. The council is required to update its Licensing Policy to come into effect on 5th January 2016. 2. At previous Licensing Panels Members approved the process and timetable to ensure this happens and also approved a draft policy for consultation. 3. Consultation took place and Members also asked for further legal advice to be sought about the policy as a whole. 4. The policy has now been redrafted in line with Members wishes and Counsel's advice and Members are now asked to approve the policy for consideration by Full Council.
--

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	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 previous Licensing Panels, Members authorised the process and timetable for producing a new Licensing Policy for the borough, including the undertaking of a consultation process (as required by Section 5(3) of the Licensing Act 2003) on a first draft of the new policy.
- 2.2. Following the consultation Members, at the July 2015 Panel, authorised an updated version of the policy, but asked for advice to be obtained on the proposed policy as a whole from a senior barrister working in the area of licensing.
- 2.3. Attached as Appendix A is a copy of the proposed policy, which now includes changes made as a result of the advice obtained from a senior barrister.
- 2.4. The changes advised by Counsel were for the most part minor technical matters reflecting recent changes in legislation - but Members should be aware of the following changes now incorporated into the redrafted policy.
- 2.5. Counsel advised that the Pool of Conditions, the Licensing and Planning Protocol and the Delegation of Functions should be included as Annexes to the policy, rather than within the body of the policy itself, and this has now been carried out.
- 2.6. Counsel also advised that the procedural note setting out Licensing Sub-Committee Procedures should be treated as a separate stand-alone document and removed from the policy document altogether. This has been done.
- 2.7. Members were keen for Framework Hours to be a cornerstone of the new policy. This remains – indeed, current statistics for violent crime in Windsor between 00:00 and 04:00 indicate that the concept of Framework Hours for pubs and clubs, in particular, would very much be vindicated.
- 2.8. Counsel has, however, suggested that the 01:00 terminal hour within the Framework Hours provisions for venues that supply hot food and drink between 23:00 and 05:00 hours (“late night refreshment premises”) would be considered too restrictive and contrary to the spirit of the

Licensing Act 2003. Consequently, an extra hour has been added, with the recommended terminal hour for late night refreshment premises within the Framework Hours provisions now being 02:00.

- 2.9. Members will be aware, of course, (and the draft policy makes this clear) that the hours outlined within the Framework Hours provisions are not an entitlement and that an applicant will still need to demonstrate that, for the terminal hour of 02:00 to apply, it can operate so as to promote the licensing objectives and that the application and proposed operation is reasonably acceptable in the particular location.

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

What does success look like, how is it measured, what are the stretch targets

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
April 2015	Panel considers feedback on consultation
July 2015	Panel considers final draft of policy and makes recommendation, subject to legal opinion
November 2015	Panel considers final draft of policy and makes recommendation, following legal opinion
December 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	10/11/2015	10/11/2015	
Cllr Cox	Lead Member	05/11/2015	05/11/2015	
Cllr Majeed	Licensing Panel Chairman	05/11/2015	05/11/2015	
Simon Fletcher	Strategic Director of Operations	05/11/2015		
Will Cottrell	Shared Legal Services	10/11/2015		

Report History:

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Steve Johnson	Enforcement Principal	01628 683555