

# Licensing Applications Committee

28 September 2023



**Reading**  
Borough Council

Working better with you

<b>Title</b>	Renewal of Statement of Licensing Policy
<b>Purpose of the report</b>	To make a recommendation to Council
<b>Report status</b>	Public report
<b>Report author</b>	Rob Abell, Consumer Protection Group Manager
<b>Lead Councillor</b>	Cllr Karen Rowland, Lead Councillor Environmental Services and Community Safety
<b>Corporate priority</b>	Not applicable, but still requires a decision
<b>Recommendations</b>	1. That Council be recommended to adopt the Statement of Licensing Policy, as attached to the report at Appendix RS1.

## 1. Executive Summary

- 1.1. The Council, as the named Licensing Authority for Reading, is required under the provisions of the Licensing Act 2003 to review its licensing policy every five years. The current licensing policy will be in force until 21<sup>st</sup> October 2023. Subject to approval, the attached draft policy will come into force on 22<sup>nd</sup> October 2023.

## 2. Policy Context

- 2.1. The Licensing Act 2003 (the 'Act') requires that the Council review its Licensing policy every five years. Paragraph 5 of the Licensing Act 2003 outlines what steps the Council should take in respect of the consultation process. It must consult all licence holders; organisations that have a statutory role in the Act such as the police and fire service (known as Responsible Authorities) and any organisations it considers as representing licence holders in Reading. When approved, the Council must state the dates for which the policy will be valid for. The Council must also have regard to any Cumulative Impact Assessment it has published.
- 2.2. Under the Act, Reading Borough Council is responsible for the issuing of licences and any subsequent enforcement action that may arise from any licence holder or unlicensed activity.
- 2.3. Reading Borough Council has responsibility for:
- Licensing premises and clubs for the sale or supply of alcohol; the provision of late-night refreshment (sale of hot food from 2300hrs to 0500hrs) and the provision of regulated entertainment (live music, recorded music etc)
  - Taking enforcement action against licence holders who are in breach of their licence; carrying out enforcement action against persons or premises carrying out unlicensed activity or taking action against licence holders who undermine the promotion of the four licensing objectives.
  - Publishing a licensing policy which sets out the Council's aims, objectives and policies for applicants and licence holders.
  - Publishing a Cumulative Impact Assessment for any area for which there is deemed to be a requirement to have a cumulative impact area.
  - Collecting all statutory licence fees which are set by central government.

- 2.4. The licensing framework must centre around the 4 licensing objectives:
- To prevent crime and disorder;
  - To protect children from harm;
  - To prevent public nuisance;
  - To maintain public safety.
- 2.5. The licensing framework must also centre around the principle that each application should be judged on its own merit.

### **3. The Proposal**

- 3.1. The Licensing policy document attached to this report contains a number of changes as outlined in the 'Summary of Changes to Existing Policy' document also attached to this report as **Appendix RS-2**.
- 3.2. It was originally proposed that a Cumulative Impact Assessment would come into force on the same date as the proposed Licensing Policy, however, this proposal has since been withdrawn in order for the Council to have more time to seek and collate pertinent evidence and statistics in relation to the need for such a policy. The Council will then reassess whether or not it shall propose a Cumulative Impact Policy. A consultation on the Cumulative Impact Policy was launched on 01<sup>st</sup> August 2023, however, a new consultation will begin at a future date if the Council proposes to implement a Cumulative Impact Policy.

### **4. Contribution to Strategic Aims**

- 4.1. This policy and its implementation contribute to the following strategic aims in the Council's Corporate Plan 2022-25:
- Healthy Environment
  - Thriving Communities
  - Inclusive Economy
- 4.2. The Licensing Policy is a key document for the regulation of the night-time economy within Reading. It clearly outlines what the Council expects of applicants and licence holders. Licensing regulation is tied in with other policies, strategies and statutory frameworks implemented by the Council across Reading. Chapters 2 and 3 of the licensing policy document show how licensing shares aims and objectives with various planning legislation; environmental health legislation; immigration legislation and policing legislation. It also outlines numerous initiatives and strategies such as a 'Reducing the Strength' initiative to tackle the issues of street drinking and the sale of high strength alcohol proven detrimental to health as well as initiatives linked in with child protection and the Council's 'Berkshire West Drug and Alcohol Needs Assessment' and 'Joint Strategic Needs Assessment' strategies.
- 4.3. The key aims for the licensing policy is to ensure that the four licensing objectives are actively promoted at all times. It is also key that the licensing policy ensures close integration with other strategies; policies and initiatives to ensure that the towns day time and night time economies are welcoming and safe for all.
- 4.4. The Council must balance the need of businesses to trade successfully and responsibly with the needs of local residents not to be disturbed or affected by irresponsible licence holders and the associated crime and disorder and noise nuisance that may occur from those premises.

### **5. Environmental and Climate Implications**

- 5.1. There are no specific environmental or climate implications to this policy.
- 5.2. There are currently 637 licensed premises. It is not envisaged that any premises that fall under this policy will, as a whole, negatively impact any of the following to any significant degree: air quality, biodiversity, wildlife, green space, natural habitats, landscape/visual impact, natural resources, waste/waste management.

5.3. Furthermore, no significant increase in emissions of greenhouse gases/ carbon dioxide are expected. It is not possible to predict how the total number of premises, nor the number of customers to such premises will fluctuate over the next 5 years of the proposed policy.

5.4. The Climate Impact Assessment is attached at **Appendix RS-3**.

## **6. Community Engagement**

6.1. A 6 week consultation process in relation to the Licensing policy was undertaken between 01<sup>st</sup> August 2023 and 12<sup>th</sup> September 2023. The Licensing Act outlines the organisations and bodies that must be consulted. Letters were sent to all licence holders as well as to bodies that represent licence holders; organisations that have a statutory role within the Licensing Act such as the police and fire service (called Responsible Bodies) as well as any other body or person that may have an interest in the policy.

6.2. The consultation was also available to view on the Council's website along with contact information for any person that wishes to make comment on the proposed policy.

6.3. All responses to the consultation, and the Council's comments on such responses, are attached at **Appendix RS-4**. Any recommendations that arise and any actions taken in response to such recommendations, shall be attached to the full report to the full council on 17<sup>th</sup> October 2023.

## **7. Equality Implications**

7.1. The Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all.

## **8. Legal Implications**

8.1. The Council has a statutory requirement to publish a statement of licensing policy. This policy must be reviewed every five years but can be reviewed at any time if there are substantive changes to legislation or local policy. Failure to review and publish a licensing policy will mean the Council is in breach of its statutory obligations which could lead to legal consequences.

8.2. A further consequence of not having a licensing policy would mean the Council would be unable to exercise its functions under the Licensing Act 2003 including determining applications and carrying out enforcement activities.

## **9. Financial Implications**

9.1. The writing of the Licensing Policy and consultation exercise were carried out within the resources of the Licensing Authority.

9.2. Failure to review and adopt a licensing policy and cumulative impact assessment would mean that the Council is in breach of its statutory obligations and would lead to legal challenge and the associated costs of that challenge.

## **10. Timetable for Implementation**

10.1. The current licensing policy will expire on 22<sup>nd</sup> October 2023. When passed by full council, the proposed policy, including any changes that may be made following the consultation and committee stages, will be implemented from 23<sup>rd</sup> October 2023.

**Appendices:**

1. **Appendix RS-1 - Draft Licensing Policy 2023-2028**
2. **Appendix RS-2 - Summary of Changes to Existing Policy**
3. **Appendix RS-3 - Climate Impact Assessment - Licensing Policy**
4. **Appendix RS-4 – Responses to Consultation**