



Full Council Report

| | |
|-----------|-------------------------------------------------|
| Meeting | FULL COUNCIL |
| Date | 17 JANUARY 2024 |
| Title | STATEMENT OF LICENSING POLICY 2024 -2029 |
| Report of | STRATEGIC DIRECTOR OF COMMUNITY SERVICES |

EXECUTIVE SUMMARY

1. This report provides the opportunity for Full Council to consider the revised Statement of Licensing Policy (Appendix 1) and make a recommendation to Full Council for the Policy to be adopted.
2. The revised Statement of Licensing Policy has been considered by the Licensing Committee on 20 November 2023 who recommend that Full Council adopt the revised Policy.
3. If adopted by Full Council the policy will remain in place, unless revised for a period of five years from 31 January 2024.

RECOMMENDATION

- | |
|---------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none">4. Option 1: That Full Council adopt the revised Statement of Licensing Policy 2024 – 2029. |
|---------------------------------------------------------------------------------------------------------------------------------------------|

BACKGROUND

5. Under Section 5 of the Licensing Act 2003, a licensing authority is required every five years to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of the principles it proposes to apply.
6. Before determining its policy for a five-year period, the licensing authority must consult various persons and public bodies as stated in the Act.
7. The previous policy ran for five years from January 2019 to January 2024.
8. The new policy has a number of changes, the main ones being:

- (a) Section 4.7 includes references to campaigns and initiatives, and specifically mentions the 'Ask Angela' initiative and the Violence against Women and Girls campaign.
- (b) Section 4.13 removes reference to the previous Designated Public Place Orders.
- (c) Paragraph 7.14 has been added to confirm there is no evidence to support the introduction of a Cumulative Impact Policy.
- (d) The Late Night Levy provisions has been included at Section 8.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

Economic Recovery and Reducing Poverty

9. Licensing forms a key part of the economic recovery for the island. The hospitality trade has suffered during Covid and licensing throughout the country is assisting in this sectors recovery and sustainability.

Impact on Young People and Future Generations

10. The Protection of Children From Harm is a key licensing objective, this policy aims to ensure safeguarding children's safety.

CONSULTATION

11. A 6-week consultation period commenced on 5 September 2023 and ended on 17 October 2023.
12. Those who were consulted included:
 - Isle of Wight Member of Parliament.
 - All IW Council Members.
 - Town, Parish and Community Councils.
 - Responsible Authorities listed in the Act.
 - Bodies representing the interests of persons carrying on businesses in the licensed trade.
 - Bodies representing the interests of persons likely to be affected by the exercise of the authority's functions.
13. A full public consultation took place with the consultation being available and advertised through; the Council's Website, Council's social media platforms and the Council's E-newsletter.
14. A total of six responses were received.
15. Three Comments were received from the online survey during the consultation period, all of which have been responded to and have brought no required changes to the reviewed policy.
16. A comment was received from Northwood Parish Council that section 9.11 should be amended to: "The Licensing Sub Committee and committee of elected members considering review applications will give clear and considered reasons for all decisions".

17. Hampshire and Isle of Wight Fire and Rescue Service provided four amendments to the policy, as follows;
 - (a) Section 6.6d – Change name to Hampshire and Isle of Wight Fire and Rescue Service.
 - (b) Section 7.4 – possible typo - protection of children from harm.
 - (c) Section 11.8 Point to add - Suitable, sufficient and current FRA to be reviewed annually and / or at times of significant change.
 - (d) Section 11.8 point to add - Attendants and marshals suitably trained in the evacuation procedures of the premises =/event.
18. Comment received from Sandown Town Council querying how the Council's Licensing Act 2003 Policy is being advertised. A response was sent informing the Town Council that the policy review was available on the Council's website, Council's social media platforms and Council's E-newsletter.
19. After the public consultation was completed and comments received were considered and Policy updated, officers took the draft Policy to the Licensing Committee for review and to seek a recommendation to Full Council for approval.
20. The Licensing Committee requested several changes. These included:
 - (a) Additional paragraphs regarding the use of recyclable or biodegradable materials to be used for non-glass drinking vessels and take away wrappers and packaging.
 - (b) The insertion of a paragraph to encourage premises to consider additional safeguarding controls, in particular young people attending licensed premises late at night.
 - (c) To update the link to the Public Spaces Protection Orders which was now out of date following a switch to the new web site.
 - (d) The numbering of the policy was out of sync.

FINANCIAL / BUDGET IMPLICATIONS

21. Council expenditure on licensing matters is balanced by income generated from fees. Some fees are set by the council and represent the costs of administration and enforcement of licences and permits. Other fees are set by government.
22. Application fees are charged for all licences and permits under this legislation. Annual fees are charged where a premises licence and certain permits are in place, in accordance with the Act.

LEGAL IMPLICATIONS

23. The licensing authority is required to adopt a statement of licensing policy by virtue of Section 5 of the Licensing Act 2003. This policy is required by the same Act to be reviewed every five years. The policy must have regard to any statutory guidance issued by the Secretary of State.

EQUALITY AND DIVERSITY

24. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote

equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

25. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

OPTIONS

26. Option 1: To recommend adoption of the draft revised Statement of Licensing Policy 2024 – 2029.
- Option 2: To adopt the draft revised Statement of Licensing Policy, subject to any minor amendments proposed, if deemed necessary

RISK MANAGEMENT

27. With regard to Option 1: Should the Council adopt the draft policy; it will come into effect from 31 January 2024.
28. With regard to Option 2: Should the Council decide to amend the draft policy, further consultation may need to be carried out. This would delay the implementation of the new policy until such time as the required consultation had taken place, any further comment incorporated, and the new draft policy adopted. Not having a policy in place could cause difficulties in being able to defend decisions made.

EVALUATION

29. With regards to the comments received from Northwood Parish Council section 9.8 has been amended to now read a 'Licensing Sub Committee' instead of 'A committee of elected members'. Therefore, there is no need to update 9.11 as 9.5 explains what a Licensing Sub Committee is.
30. Those suggested changes by Hampshire and Isle of Wight Fire and Rescue Service have been reviewed and the policy amended accordingly.
31. As there are no outstanding matters to be addressed, it is recommended that the draft revised policy should be recommended for adoption by Full Council.
32. The Policy has been updated with the comments raised by the Licensing Committee as follows.
- (a) The DPPO link has been updated at paragraph 4.14.
 - (b) Paragraphs 11.5 and 11.6 have been inserted and 11.20 updated to promote the use of reusable dinking vessels made form biodegradable or recyclable materials.
 - (c) Paragraph 11.26 has been added to promote the takeaway packaging/wrappers were made from biodegradable or recyclable materials.
 - (d) A paragraph has been inserted at 11.28 regarding the safeguarding matters.

(e) The numbering has been corrected.

APPENDICES ATTACHED

33. Appendix 1 – Draft Isle of Wight Council Statement of Licensing Policy 2024 – 2029.

BACKGROUND PAPERS

34. Statement of Licensing Policy 2019-2023 - [Licensing policies \(iow.gov.uk\)](https://www.iow.gov.uk/licensing-policies)
35. [Licensing Committee on Monday, 20th November 2023](#)

Contact Point: Kevin Winchcombe,
Licensing, Business and Coroner Service Manager
☎ 823159
e-mail kevin.winchcombe@iow.gov.uk

COLIN ROWLAND
*Strategic Director for Community
Services*

COUNCILLOR KAREN LUCIONI
*Cabinet Member for Regulatory Services,
Community Protection and ICT*