

New Licensing Policy Consultation – Alcohol, Entertainment and Late Night Refreshment

Overview



Overview

Buckinghamshire Council has responsibility for allowing people to sell alcohol, put on public entertainment and sell late night food and drink. The Council does this by issuing licences, permits and notices.

The main purpose of licensing is to ensure that the national licensing objectives are promoted:

1. preventing crime and disorder;
2. public safety;
3. preventing public nuisance; and
4. protecting children from harm.

We have produced a new draft licensing “Policy”, which explains Buckinghamshire Council’s approach to promoting the four licensing objectives when making decisions about licences. This Policy is important for businesses such as pubs, shops, restaurants and nightclubs but also for members of the wider community such as residents, community groups and responsible authorities who may be impacted by, or have an interest in, licensing decisions.

The Policy includes some things that are required by national legislation and legal guidance. It also includes things that reflect the Council’s core objectives of strengthening our communities, improving our environment, protecting the vulnerable and increasing prosperity. The Policy reflects feedback we received in our recent public survey with key stakeholders, which included the licensed trade, representatives of Buckinghamshire residents and responsible authorities such as the police and fire service.

This consultation focuses on policy areas that are considered of most interest. You are invited to comment on any part of the Policy that’s important to you. A copy of the draft Policy is available from the Council’s web page. [link at the bottom of this page]

How to take part

We welcome your views to help shape future policy decisions in this important area. Please take a few minutes to complete the online survey below. If you have any questions about this consultation, please email us at licensing.av@buckinghamshire.gov.uk or phone us on 01296 585605. If completing by post please return your completed survey to:

Licensing Policy Consultation, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.

Please respond by **26 September 2021**

What happens next

Once the consultation closes, we will review all the feedback and make adjustments to the draft Policy if required. In October 2021, our Licensing Committee will review the final draft Policy and decide whether to recommend its adoption.

We aim to adopt a final Licensing Policy by early 2022. This new policy will replace the licensing policies of the former Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils.

Privacy

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*If you have questions about data and privacy, please email us on **dataprotection@buckinghamshire.gov.uk**. Or write to our Data Protection Officer at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.*

About you

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

1 Which of the following best describes you?

Please select all that apply

- Resident Licensed business Non-licensed business
 Councillor (Ward, Town or Parish) Responsible Authority
 Representative of residents Representative of business
 Other (please specify)

Other

2 If possible, please provide a description of the geographic area that best reflects your area of interest (for example town, ward or postcode e.g. HP19)

Area

Cumulative Impact – Aylesbury

About

Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. These problems can happen when a large number of drinkers gather in one area when leaving a premises at closing time, or queuing for food or public transport. Where there is evidence of this the council can introduce a 'cumulative impact' policy which means that a licence application that would have a negative impact will probably be refused. These policies must be supported by evidence and an assessment must be published every 3 years.

Currently only Aylesbury town centre has a cumulative impact policy which states that high risk late night premises such as late night bars and nightclubs that sell alcohol or takeaway food will be refused licences to trade after 00.30. All other premises are not permitted to open after 02.30. The policy was last reviewed in 2015.

What people said in our recent surveys

We asked you whether you would support a proposal to remove the cumulative impact policy for Aylesbury in the new Policy. A strong majority (82% of respondents) were in support of removing the policy. Reasons given included supporting the night time economy to recover post the Covid-19 pandemic and that they would like applications considered on a case by case basis, rather than adopting a single approach for all. Respondents also supported a proposal to keep the Aylesbury town centre area under review.

What the draft Policy says.

The law is clear that councils may only introduce cumulative impact policies if supported by recent evidence. The draft Policy does not identify any areas as cumulative impact areas. This means that there is no presumption to refuse late night licence applications in any part of Buckinghamshire Council's area. Applications will still go through a full consultation process and residents and responsible authorities would have the chance to have their say. Applicants would still have to consider the local environment in which they plan to operate and demonstrate how they intend to meet the four national licensing objectives.

The licensing situation in Aylesbury town centre will be kept under close review by the licensing team and the findings considered by the Council's Licensing Committee. If at any point in the future evidence shows that the cumulative impact of licensed premises in an area is having a negative effect, then the Council may introduce a new cumulative impact policy.

3 Do you agree or disagree with this proposal?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

4 Do you have any other comments about cumulative impact policies?

Other comments

Special hours policy - Buckingham and Buckinghamshire generally

About

The council can choose to apply special hours policies to licence applications in a particular area (or zone) or of a particular type, e.g. pubs, nightclubs, hot food take-aways. Special hours policies can set a preferred closing time(s) by premises type, area or both. Where a special hours policy is in place and applicants apply to operate beyond the preferred closing time(s), then the application is subject to additional scrutiny and it is expected that the applicant will have robust additional measures in place to ensure they meet the national licensing objectives. A special hours policy which sets a preferred closing time must be supported by evidence that one or more of the licensing objectives are being impacted.

Currently only Buckingham town centre has a special hours policy. The policy means that applications to open beyond 00.00 will normally be refused unless applicants can satisfy the Council that they can operate without harm to the licensing objectives. All applications after 01:30 will generally be refused. This policy was put in place at a time when the Council received regular complaints and had evidence of late night noise disturbance associated with licensed premises in Buckingham. The policy is based on evidence last considered in 2015.

What people said in our recent surveys

We asked you whether you would support a proposal to remove the special hours policy for Buckingham in the new Policy. Opinion was divided, with just over half of residents and 60% of businesses who responded supporting the removal of the policy. Reasons given by respondents in favour of the proposal included supporting businesses to recover post the Covid-19 pandemic and the importance of considering each application on a case by case basis, rather than adopting a single approach for all. Those against the proposal were concerned about the impact of noise and disturbance on residents and felt that the policy had helped improve this.

We asked you whether you supported the introduction of special hours policies in general. 59% of respondents were in favour of their use and felt it was important to protect residents living in town centres from disturbance. Those against the use of special hours policies felt it was important that policies were based on evidence of a problem and that the existing licensing laws already provided a high level of protection.

What the draft Policy says.

Since the special hours policy was first introduced in Buckingham the nature of the town has changed. Licensed premises in Buckingham are now more food led and less likely to open late. Complaints made to the Council about licensed premises in Buckingham have significantly reduced. Based on the lack of available supporting evidence the draft Policy does not have a special hours policy for Buckingham, or any other area in Buckinghamshire.

Applications will still go through a full consultation process and residents and responsible authorities would have the chance to have their say. Applicants would still have to consider the local environment in which they plan to operate and demonstrate how they intend to meet the four national licensing objectives. Any party adversely affected by late opening licensed premises may seek a formal review of the licence based on one or more of the licensing objectives. The Council can adopt special hours policies in the future should evidence support this approach.

5 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

6 Do you have any other comments about removal of the special hours policy in Buckingham?

Other comments

7 Do you have any other comments about special hours policies in general in the Buckinghamshire Council area?

Other comments

Street Drinking

About

Street drinking has been found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. The Council has introduced Public Space Protection Orders (PSPOs) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers. Enforcement of PSPOs is only part of the solution and it is important that licensed businesses close to and within a PSPO area also play their part.

What people said in our recent surveys

73% of respondents to our survey agreed that licensed premises selling alcohol in and close to PSPO areas should be expected to use additional measures to reduce street drinking.

What the draft Policy says.

The draft Policy proposes that premises licensed for the sale of alcohol for consumption off the premises, in and close to PSPO areas, will be expected to adopt additional measures. These include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging businesses from selling alcohol to known street drinkers.

8 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

9 Do you have any other comments about street drinking in Buckinghamshire?

Other comments

Outside hospitality

About

During the Covid-19 pandemic the government introduced pavement licences which make it easier for businesses to use outside spaces to sell food and drink on the public highway. Many licensed premises also operate outside areas that are not on the public highway and as such are not bound by the same conditions. The council supports the pavement licence scheme but also wants to limit impacts on nearby residents.

What people said in the recent survey

86% of respondents supported the Council's proposed approach that all new applicants are expected to manage outdoor spaces by following the conditions applied to pavement licences, whether or not they are on the public highway.

What the draft Policy says.

The draft Policy sets out measures for the management of outside areas that all new applicants are generally expected to follow. These reflect the conditions applied to pavement licences operating on the public highway. These conditions include a requirement that outside areas are not used later than 23.00 on Fridays and Saturdays, 22.00 on other days, and that there are separate areas for smokers and non-smokers.

10 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

11 Do you have any other comments about the management of outside areas for licensed premises in Buckinghamshire?

Other comments

Application consultation

About

All applicants for licences are required by law to advertise their application by displaying a public notice on the premises and in a local newspaper and by serving a copy on responsible authorities such as the police and fire authority. Details of all applications are also published on the online public registers available on the Council's website.

What people said in the recent survey

93% of respondents supported the Council's proposal to go beyond the minimum requirements with a view to publicising applications more widely.

What the draft policy says.

Details of all new and variation applications will be sent to local Ward and Parish/Town Councils in addition to existing legal requirements for advertisement.

12 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

13 Do you have any other comments about consultation on licence applications?

Other comments

Pubwatch

About

Voluntary schemes such as Pubwatch and Shopwatch help promote safer environments for the sale and consumption of alcohol. These schemes provide a local network for licensed businesses to work together to tackle crime and disorder, share best practice and develop closer working relationships with the Police, the Council and other agencies.

What people said in the recent survey

92% of respondents supported the Council's proposed approach to encourage membership of Pubwatch and Shopwatch schemes.

What the draft policy says.

The draft Policy encourages all licence holders to take part in local schemes where they exist; licensees are encouraged to introduce a scheme where one does not already exist.

14 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

15 Do you have any other comments about membership of Pubwatch and Shopwatch schemes?

Other comments

Safeguarding Children

About

Protecting children from harm is one of the core national licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common, there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment.

What people said in the recent survey

90% of respondents supported the introduction of written safeguarding policies and procedures, including records of staff training, in high-risk licensed premises.

What the draft policy says.

The new draft Policy encourages operators of licensed premises to put in place a safeguarding policy. The Council will expect operators of high-risk premises to have a written safeguarding policy and procedures including records of staff training. High risk premises identified in the policy includes the following:

- Venues providing adult entertainment.
- Hotels.
- Premises that are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- Premises with secluded beer gardens, which are not readily monitored by staff.
- Nightclubs and late night opening pubs and bars (open after 00.00 hours.
- Premises where unaccompanied children are permitted

16 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

17 Do you have any other comments about safeguarding children and licensed premises?

Other comments

Public Health

About

A key priority for Buckinghamshire Council is to strengthen local communities and support people to live healthy lifestyles. Licensed premises can help support this by providing opportunities for people to come together and socialise. However, there are health risks associated with the consumption of alcohol.

What people said in the recent survey

71% respondents to the recent survey supported the Council's proposed approach to encourage licensed operators to promote public health. Respondents raised the importance of staff training, challenges of implementing the policy and additional burdens on businesses.

What the draft policy says.

The new draft Policy encourages rather than requires applicants to consider the health impacts of the sale of alcohol and adopt measures to mitigate risks to health. These measures include staff training on the responsible sale of alcohol, avoiding promotions which encourage people to drink more and thinking about the type and alcohol content of drinks they sell.

18 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

19 Do you have any other comments about public health and licensed premises?

Other comments

Promoting environmental best practice

About

A key priority for Buckinghamshire Council is to improve the local environment. Licensed premises can contribute by helping to create a greener and cleaner environment.

What people said in the recent survey

91% of respondents supported the Council' proposed approach to encourage licensed operators to promote environmental best practice.

What the draft policy says.

The new draft Policy encourages operators of licensed premises to adopt best practice measures such as minimising waste, improving energy efficiency and reducing traffic on the road.

20 Do you agree or disagree with this?

(Required)

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
 Strongly disagree I'm not sure

21 Do you have any other comments about promoting environmental best practice and licensed premises?

Other comments

Understanding the Policy

The Licensing Policy is a long document and needs to set out a lot of information about licensing in Buckinghamshire. Although it is long, we have tried to make the information easy to understand. This means you should be able to read any part of the Policy that's relevant to you and understand it.

22 How easy was the Policy to understand?

(Required)

Please select only one item

- Very easy Quite easy OK Quite difficult Very difficult
 No comment

23 How could we make the Policy easier to understand?

Comment below

24 How easy was this survey to understand?

(Required)

Please select only one item

- Very easy Quite easy OK Quite difficult Very difficult
 No comment

25 How could we make the survey easier to understand?

Comment below