

APPENDIX 3

Responses to the Consultation on the Licensing Policy 2025-2030

Response received from Welwyn Parish Council. Changes requested highlighted in yellow.	Suggested responses for decision by the licensing committee	Accept Y/N
<p>Sections 1 to 2.18 Inclusive We express our support for the updates made to the Licensing Policy Statement by Welwyn Hatfield Borough Council, as outlined between sections 1 and 2.18 inclusive. On the whole, we believe these revisions, which seek to align with recent legislation and incorporate practical guidelines, contribute positively to balancing responsible licensing with the welfare of our community, and we support their implementation.</p>	<p>None</p>	
<p>3. Contact details/ Advice and Guidance We fully support the use of direct links to web-based forms to streamline the Licensing application process, however your use of web links could be improved. Our suggestion for 3.1 for greater clarity would be: <i>Details on making specific applications can be found at our website at: https://www.welhat.gov.uk/homepage/98/application-for-an-alcohol-and-entertainment-licence Application forms can be downloaded and posted, or applications can be made online via https://Gov.UK. Advice can be given before you make your application to resolve potential problems and where possible avoid unnecessary hearings and appeals.</i></p>	<p><u>Current wording 3.1</u> Details on making specific applications can be found at our website www.welhat.gov.uk/licensing. Application forms can be downloaded and posted or applications can be made online via Gov.UK. Advice can be given before you make your application to resolve potential problems and where possible avoid unnecessary hearings and appeals. Links can be added for ease for WHBC although gov.uk will not be there in the near future.</p>	
<p>Sections 4 through section 7.22 Sections 4 through 7.22 predominantly feature minor and factual updates. We</p>	<p>none</p>	

<p>particularly commend the inclusion of initiatives focusing on the 'Prevalence, Prevention, and Reporting of Sexual Harassment and Misconduct, as well as Broader Violence Against Women and Girls Crimes' in section 7.45.</p> <p>We welcome the proposed amendment in Section 7.17 regarding The Environmental Protection Act 1990. This updated section provides greater clarity on the duties and procedures under the Act, especially concerning the investigation of statutory nuisances and the issuing of abatement notices. We support this revision as it offers a more comprehensive and clearer framework for managing issues related to statutory nuisances, such as noise, thereby contributing positively.</p> <p>Similarly, we welcome the enhanced clarity in Section 7.2 concerning the Equality Act 2010, which more precisely outlines responsibilities through the updated Licensing Policy in eliminating discrimination and fostering equality across protected characteristics.</p>		
<p>7. Observations and Concerns Regarding Local Licensing Policy on Drugs and New Psychoactive Substances</p> <p>The recent amendments to our local licensing policy, specifically concerning the management of drugs and new psychoactive substances (NPS) in licensed premises, have raised several concerns that need to be addressed to ensure fairness and practicality in their implementation.</p>	<p>Policy 17.4</p> <p>For the purposes of this part of the Policy, the Licensing Authority will regard new psychoactive substances (widely referred to as 'legal highs') in the same way as it does controlled drugs, and will expect that the measures taken in licensed premises to detect and discourage the use of controlled drugs will also extend to these substances, which generally mimic the effect of a controlled drug.</p>	
<p>Fair Responsibility of Licensees: The policy mandates stringent measures for licensees to prevent the use of controlled drugs and NPS within their premises. While</p>	<p>The policy at 17.0 sets out the expectations regarding controlled</p>	

<p>the intent to create a safe environment is commendable, it places an overwhelming burden on licensees for activities that are not directly within their control. It is concerning that premises could face severe penalties, including the revocation of their license, for the actions of their patrons that, in the case of NPS, may not be illegal. Such a stance seems disproportionate and may lead to unfair penalization of business owners for customer behaviour that is challenging to regulate comprehensively.</p>	<p>drugs on licensed premises. It also references NPS but the CPS requires evidence before any prosecutions against a premises could proceed. Therefore the policy wording at 17.5 does not seem unreasonable.</p> <p>Policy 17.5 The Licensing Authority expects that licensed premises will not engage in, sanction nor condone the sale or supply of new psychoactive substances in or from their premises, and may seek to take enforcement action against premises that are found to be doing so.</p>	
<p>Broad and Ambiguous Scope: The policy's extension to include NPS, treating them akin to controlled drugs, seems problematic given the varying legal status of these substances. This broad categorization risks encompassing a wide range of substances, some of which may not be illegal or harmful. It potentially creates a situation where almost any substance that mimics the effect of a controlled drug could lead to severe consequences for the premises. This catch-all approach could lead to inconsistencies in enforcement and challenges in compliance due to the ambiguous nature of what constitutes an NPS.</p>	<p>The CPS has laid out strict controls for identification of substances which would mitigate any risks from the inclusion in our policy.</p> <p>Section to remain? Section to be reworded?</p> <p>Psychoactive Substances The Crown Prosecution Service (cps.gov.uk)</p>	
<p>Need for Clear Guidelines and Support: To implement this policy effectively and fairly, there is a need for clear, practical guidelines and support for licensees. This includes detailed criteria for identifying NPS, training for staff to manage such situations appropriately, and support from local authorities in cases where there is</p>	<p>As above</p>	

<p>uncertainty. Without this, licensees are left to navigate a complex and potentially unjust situation with significant implications for their businesses.</p> <p>In light of these concerns, we urge a reconsideration of the policy's current framing regarding NPS. It is essential to strike a balance between maintaining public safety and ensuring that licensed premises are not unfairly penalized for customer behaviour that may be beyond their reasonable control. A collaborative approach, where licensees work closely with authorities but are not overly burdened with responsibilities that may be unreasonable or impractical, would be a more effective and equitable solution.</p>		
<p>8. Interface with Planning Controls</p> <p>We approve of the inclusion of Section 8.4 in the policy document, which integrates the 'agent of change' principle from the National Planning Policy Framework. This addition wisely balances the interests of new developments with the operational integrity of existing businesses and community facilities.</p>	None	
<p>18. Observations on the Modern Slavery Policy</p> <p>We fully support the inclusion of modern slavery and child sexual exploitation (CSE) considerations in the licensing policy. The UK Modern Slavery Act 2015 clearly outlines the gravity and breadth of modern slavery offenses, including slavery, servitude, forced labour, and human trafficking. These are serious crimes, and it's commendable that our licensing policy is taking steps to address them, particularly in the hospitality sector, which is identified as a high-risk area.</p> <p>Additionally, the inclusion of CSE in the policy is particularly important. The policy correctly highlights the diverse nature of CSE and the need for licensed premises to be vigilant against potential exploitation. Measures like staff training, written procedures for reporting suspicious behaviour, and monitoring of premises are practical and necessary steps to protect vulnerable individuals, especially children, from harm.</p> <p>In summary, these policy updates reflect a</p>	None	

<p>necessary and ethical stance against modern slavery and CSE. They not only align with national legislation but also contribute significantly to community safety and the well-being of individuals who may be at risk.</p>		
<p>19. Making an application In reference to Section 19 'Making an Application', we not only welcome the practical inclusion of a direct link to the licence application form in Section 19.1, but also strongly endorse the emphasis on proactive engagement with the local community and representative bodies, including Parish Councils, Residents Associations, Businesses and Residents, prior to submitting an application. We believe that this recommended pre-application dialogue fosters a collaborative approach and better informs applicants of the community's perspectives and concerns, which we hope will lead to more considerate and community-aligned licensing applications.</p>	None	
<p>26. Temporary Event Notices (TENSs) We endorse the recent updates to the policy on Temporary Event Notices (TENSs), particularly the removal of the previously specified maximum number of TENSs that could be submitted each calendar year for any premises. This change reflects a more flexible approach to managing small-scale, ad hoc events.</p>	None	
<p>27. Large outdoor events and events attended by over 5,000 persons We support the addition of Section 27.6 on large outdoor events and events over 5,000 attendees. Its emphasis on early engagement with the Council's Licensing Team and the Safety Advisory Group, adherence to the 'Purple Guide', and the necessity for comprehensive planning and noise management plans, represents a thorough and responsible approach to event management. This section effectively balances event organization needs with community safety and compliance.</p>	None	

<p>30. Circuses</p> <p>We support the clarifications provided in Section 30 regarding circuses. Recognizing the specific licensing needs for circuses that sell alcohol or provide late night refreshment and acknowledging the exemptions under The Legislative Reform (Entertainment Licensing) Order 2014 for certain types of entertainment, aligns with practical licensing approaches.</p> <p>We strongly support the stance of Welwyn Hatfield Council against permitting circuses with performing animals on Council land. This decision reflects a progressive and compassionate approach towards animal welfare.</p>	None	
<p>31. Garages and motorway service areas</p> <p>We support the provisions outlined in Section 31 regarding the sale of alcohol at garages and motorway service areas. Upholding the law as per Section 176 of the Licensing Act 2003 is crucial. We agree that businesses should provide clear evidence of their primary commercial activities to ensure they comply with licensing regulations.</p>	None	
<p>32. Film Classification</p> <p>While we recognize the intent behind the Film Classification section in empowering the Licensing Authority to make alternate film recommendations, we have significant reservations about certain provisions. We are particularly concerned about the scope of authority and expertise of a Borough Council in overruling the recommendations of a specialized body like the British Board of Film Classification (BBFC). Allowing a local regulatory body independently to alter or override judgments of the BBFC represents an unusual expansion of local authority into areas typically governed by national expertise. We firmly believe in respecting and adhering to the professional judgments made by established classification bodies like the BBFC, as this ensures uniformity and predictability in film classification. Furthermore, we strongly oppose the provision allowing the Licensing Authority to change film classifications based on requests</p>	<p>Under the Licensing Act 2003 the definition of film has been expanded to mean any exhibition of moving pictures, including feature films, adverts and trailers. This definition also now covers the showing of a video and other visual image media, including non-live digital exhibitions of plays, operas and pop concerts.</p> <p>The Licensing authority is able to reclassify films with a BBFC age restriction if it considers it necessary or give an independent film or banned film a rating to be shown in the</p>	

<p>from third parties. This aspect of the policy opens the door to subjective and potentially arbitrary decision-making, which could undermine the independence, credibility and consistency of film classifications. However, we do support the provision for special circumstances, such as in cases where a film has not been classified by the BBFC. This typically applies to small, local, independent films, or foreign films not intended for a wider UK release. In such cases, the role of the Licensing Authority in issuing alternate recommendations is understandable and necessary to ensure that these films are appropriately classified for our community.</p> <p>In summary, while we support the role of the Licensing Authority in special circumstances, we advocate for a clear and consistent approach where the expertise of the BBFC is the primary guide for film classification, ensuring a standardized and reliable system that respects professional expertise and national standards.</p> <p>We acknowledge the new sections regarding 'parent and baby' screenings in the Film Classification policy. This provision allows for practical adaptations in cases where standard film classifications may not fully address the specific needs of parents with very young children. We recognize the Licensing Authority's role in making alternate recommendations for these screenings, balancing the need for family-friendly environments with adherence to film classification guidelines. It's a reasonable approach to an area not explicitly covered by current legislation, ensuring both the protection of children and the accommodation of modern family needs.</p>	<p>Borough.</p> <p>In practice this rarely happens, although in 2002 several local authorities including Welwyn Hatfield BC watched Spiderman to determine if it required a local PG or PG12 certificate. The BBFC rating was a 12.</p> <p>The licensing authority considers the classification system process used by the BBFC and its guidance to be nationally understood. It will therefore use the general principles of their guidance and their processes as its benchmark for determining its recommendation on the restriction of access of children to the film(s). For more information regarding classification, see the BBFC website for more information.</p> <p>Section 32 to remain as this power exists and has already been used but was not previously identified in our policy</p>	
<p>36 Cumulative Effect</p> <p>The very long and cumbersome URL (Web Address) in section 36.4 should be replaced with a "Short URL" of some description as it is quite unnecessary to have such long URLs embedded into Policy documents.</p>	<p>New URL www.welhat.gov.uk/hatfield/pspo Insert new URL</p>	
<p>Other Updates</p> <p>We have not commented on some sections</p>		

<p>where for example the Borough appears to be seeking to improve processes or bring the document up to date with legislation, but we remain broadly in support of these additions and updates.</p>		
<p>Response from North Mymms Parish Council</p>		
<p>North Mymms Parish Council (NMPC) disagree with the proposal to increase the number of Temporary Event Licences (TENS) particularly as this does not take account of rural allocations/events on fields in the countryside</p>	<p>The increase to the TENS limits is a government change and is only reflected as a comment in our policy.</p>	
<p>NMPC object to 25.4 in the policy document. No event should be allowed to occur without local consultation as well as the police and LPA in order to meet all four points of the Licensing objectives</p>	<p>The Temporary event notice system is a light touch system designed for small events following consultation with the police and EH.</p> <p>Part of the Act so no change to the policy.</p>	
<p>NMPC consider it is vitally important that the local community is consulted early in any application particularly outside events in rural location especially around villages. Events have been taking place in open fields with no noise attenuation, in locations where public transport is unavailable leading to unrestricted parking causing obstruction on roads & no pedestrian footpaths. This also increases the likelihood of driving under the influence after the event closes. All of these effect the local community directly who should be given consideration in a timely manner. Parish Councils should be given more information about applications in advance of a decision/event in order to consult and advise with the LPA & police for any and all events.</p>	<p>All applications for events that require a licence are listed on our website and more information can be obtained from the licensing authority. In addition parish councils are sent screen shots of all new applications on a weekly basis. However parish councils are not responsible authorities under the licensing act so do not receive full applications automatically for comment.</p> <p>The licensing enforcement policy and legislation is followed for unlicensed events and licensed events can be</p>	

	<p>brought in for review.</p> <p>No changes required to the policy.</p>	
<p>NMPC feel that there is an inadequate amount of information provided in advance of large openair events. Other application have to apply for planning permission giving plenty of appropriate information of events and structures that are going to be utilised e.g. toilet facilities and waste/rubbish disposal should be factored in to all applications.</p>	<p>Planning is outside of the Licensing Act and this policy. Most large events go through the SAT process where all information on structures/ toilets and other event management are considered by experts.</p> <p>No changes required to the policy.</p>	
<p>Two other respondents to the survey made no comments regarding changes to the policy.</p>	<p>No changes required to the policy.</p>	