



## COUNCIL - 17TH NOVEMBER 2020

**SUBJECT: LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**

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- 1.1 The attached report, which informed Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out, was considered by the Licensing and Gambling Committee on 5th November 2020, prior to its presentation to Council.
  - 1.2 The Licensing Act came into force on 7th February 2005 and requires the Authority to publish a Statement of Licensing Policy to determine how applications would be considered. The Authority is required to review the statement every five years. The current Policy was published in January 2016. The Council must therefore review the current Policy and, based upon the results of consultation undertaken, approve a revised Policy for publication in January 2021.
  - 1.3 Members were advised that the Authority has conducted a review of the Policy and consulted with responsible authorities detailed under the Act, for example: Police, Health Board, Fire Authority, Child Protection Officer, Environmental Health, Trading Standards and Planning. All existing licence premises licence holders and holders of club premises certificates in the borough were written to informing them of the consultation. In addition, residents and businesses throughout the Caerphilly Borough were invited to comment by accessing the Council's website during the consultation period from 14<sup>th</sup> August to 9<sup>th</sup> October 2020.
  - 1.4 Officers outlined the Guidance that the Council in accordance with Section 182 of the Act must have regard to when preparing a revised Policy, and where appropriate, this has been reflected in the Council's revised Policy, together with a number of legislative changes that were detailed in the report. The format of the Statement of Policy has been reviewed via the Gwent Licensing Forum which includes officers from council licensing, police licensing and health board representatives and amended to align with neighbouring Licensing authorities within the Gwent region, which share the same local health board and police force area to bring about a consistency of approach.
  - 1.5 The existing policy has been reviewed and amended to align itself to the Gwent region, and the proposed changes were outlined to Members and set out in Sections 5.5 to 5.8 of the Officer's report. Members were referred to the revised Statement of Licensing Policy attached at Appendix 1 to the report and the Licensing Authorities model pool of conditions attached at Appendix 2 to the report and were asked to comment on the revised Policy prior to its presentation to Council.
  - 1.6 During the course of the ensuing debate and in response to Members' queries, Officers confirmed that two comments had been posted on the Council's website during the consultation period and some general enquires had been received from licensees regarding

the Policy, but assured the Committee that no adverse concerns had been received from consultees. Members were advised that Responsible Authorities took part in the pre-preparation of the revised Policy and that Gwent Police and the Local Health Board had both confirmed that they were satisfied with the revisions.

- 1.7 Members suggested that it would have been useful to view the current Policy with the suggested revisions included as track changes in order to easily identify the alterations. Officers explained that on this occasion, it was not possible to reflect the changes in this way, as the entire format of the Policy had been amended to align with neighbouring authorities, and therefore any changes would not be easily identifiable and instead were outlined in the Officer's report. However, Officers confirmed that any future reviews of the Policy could include track changes now that the document is in its updated format. Officers confirmed that this explanation would be included when the report is presented to Council.
- 1.8 The Licensing and Gambling Committee thanked Officers for the extensive work carried out in the preparation of the revised Policy, and following consideration of the report, it was unanimously recommended to Council that the revised Statement of Licensing Policy as appended to the report be approved.
- 1.9 Council are asked to consider the report and comments received from the Licensing and Gambling Committee and approve the revised Statement of Licensing Policy.

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Appendices:

Appendix Report to Licensing and Gambling Committee on 5th November 2020 – Agenda Item 3