



## LICENSING AND GAMBLING COMMITTEE – 5TH NOVEMBER 2020

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

**REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT -**

- 1.1 To inform Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out. The report is seeking the views of Members prior to its presentation to Council.

### **2. SUMMARY**

- 2.1 The Licensing Act came into force on 7 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.
- 2.2 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.

### **3. RECOMMENDATIONS**

- 3.1 That Members review the revised Statement of Licensing Policy offering appropriate comments prior to presentation of a Report to Council for approval.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 In order to give effect to the statutory obligations imposed by the Licensing Act 2003 and in Regulations made under the Act.

### **5. THE REPORT**

#### **5.1 The Licensing Act 2003**

In accordance with the above Act, the Council, as Licensing Authority, is responsible for issuing licences and certificates for the supply of alcohol, entertainment, late night

food and other licensable activities. The Council has a duty to prepare and publish a Statement of Licensing Policy, having firstly consulted a wide range of bodies and individuals and to review it every five years.

- 5.2 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 have been invited to comment by accessing the Council's website during a period of consultation 14<sup>th</sup> August to 9<sup>th</sup> October 2020.
- 5.3 When preparing the revised Statement of Licensing Policy, the Council, in accordance with Section 182 of the Act, must have regard to the Guidance issued by the Home Office who hold responsibility for the Licensing Act 2003. Revised Guidance was issued in April 2018 and, where appropriate, this has been reflected in the Council's revised Policy. There have also been a number of legislative changes that have been incorporated into the revised policy which include the Policing and Crime Act 2017, which gives the licensing authority the ability to revoke or suspend personal licences. In addition, the Immigration Act 2016 in relation to making Home Office, a responsible Authority and also allowing the detection and prevention of illegal working on premises that hold an alcohol or late-night refreshment licence.
- 5.4 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.
- 5.5 The existing policy has been reviewed and amended to align itself to the Gwent region and the changes proposed include the following:
- An update of the implications of drug and alcohol harm provided by Public Health. (Paragraphs 7.1 – 7.7 of revised policy)
  - Best Practice guidance in relation to prevention of crime and disorder (Paragraph 10.4 )
  - Sets out measures on how to prevent and report sexual exploitation, modern day slavery and human trafficking. (Paragraph 10.7)
  - Prevention of public nuisance working with partners such as environmental health and referral to Welsh Government's Noise and Soundscape Action plan 2018-2023 (Paragraphs 11.1 – 11.10 )
  - Public Safety – provides advice on risk assessments and control measures. (Paragraph 12.1 -12.7)
  - Protection of children from harm, including safeguarding advice and underage sales. (Paragraph 13.9)
  - Provides advice on how the licensing authority will deal with petitions in support of or objecting to applications. (Paragraph 28.24)

- 5.6 In addition to the above, the revised policy seeks to advise applicants planning outdoor events requiring Temporary Event Notices (TENs) or Premises Licences to contact the Council's Event Safety Advisory Group (ESAG) in good time, in order that advice and guidance in relation to the event can be provided. (Paragraph 21.10)
- 5.7 Furthermore, the revised policy sets out that there will be an expectation that Premises Licence holders, Designated Premises and holders of Club Premises Certificates will be aware of their permitted licensable activities, permitted hours and conditions and that failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority which could give lead to enforcement action or licence review. (Paragraph 19.7 & 20.4)
- 5.8 In relation to the prevention of crime and disorder licensing objective, the revised policy details the approach by Responsible Authorities to work together sharing all available data to address alcohol related crime and disorder, particularly violence by including NHS sources of data to identify premises or areas of concern. (Paragraph 10.5)
- 5.9 Attached as **Appendix 1** to this report is the revised Statement of Licensing Policy. The Policy will also be presented to Council in November, with a view to the document being finally approved in readiness for publishing in January 2021.
- 5.10 Attached as **Appendix 2** to this report are the Licensing Authorities model pool of conditions, which assist applicants, responsible authorities, local residents and businesses who may be considering making comments as to conditions of licence as part of the application or review process. The use of the pools of conditions assists in attaching enforceable and consistent conditions. These conditions have not been changed since the current policy was approved.

## 5.9 **Conclusion**

The Licensing Authority is required to review its statement of licensing policy every 5 years. The revised policy takes into account legislative change since the adoption of the last policy. Work has been undertaken to align the policy to neighbouring Gwent Authorities for a consistent approach towards licensing applications. Whilst the format of the policy has been amended, there are no major changes in policy.

## 6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

## 7. **LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 Statement of Licensing Policy 2016.

### 7.2 **Corporate Plan 2018-2023.**

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A globally responsible Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders.

There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for policies and applications allowing other agencies and the community to input into the decision-making process. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

## **9. EQUALITIES IMPLICATIONS**

9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full EIA has not been carried out. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

## **10. FINANCIAL IMPLICATIONS**

10.1 There are no financial implications for the Authority arising directly from this report.

## **11. PERSONNEL IMPLICATIONS**

11.1 There are no personnel implications.

## **12. CONSULTATIONS**

12.1 Comments received from the bodies or individuals consulted, in particular the

Responsible Authorities have been considered and, where necessary, amendments or inclusions have been made to the revised policy. During the period of consultation only one formal response was completed which informed of amended contact details for a Responsible Authority.

- 12.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

### **13. STATUTORY POWER**

- 13.1 Licensing Act 2003 and any Regulations made under the Act. The decision is the responsibility of the full Council.

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Consultees: Cllr Denver Preece Chair, Licensing & Gambling Committee  
Cllr Julian Simmonds, Vice Chair, Licensing & Gambling Committee  
Cllr Nigel George, Cabinet Member for Waste and Public Protection  
Mark S. Williams, Interim Corporate Director Communities  
Robert Hartshorn, Head of Public Protection, Community and Leisure Services  
Robert Tranter, Head of Legal Services and Monitoring Officer  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Steve Harris, Head of Corporate Finance, S.151 Officer  
Mike Eedy, Finance Manager  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager

Background Papers:  
Statement of Licensing Policy 2016

Appendices:  
Appendix 1 Revised Statement of Licensing Policy  
Appendix 2 Model Pool of Conditions