



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LICENSING ACT 2003 COMMITTEE**

**29<sup>th</sup> JULY 2019**

**REVIEW OF LICENSING POLICY STATEMENT 2020 – 2025**

**REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION AND  
COMMUNITY SERVICES.**

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**1. PURPOSE OF THE REPORT**

The purpose of the report is to consider revisions proposed by the Director of Public Health, Protection & Community Services to the Council's Statement of Licensing Policy for the period 2015 – 2020.

**2. RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Note the consultation undertaken with licensing practitioners and the development of the Draft Licensing Policy Statement for the period 2020-2025;
- 2.2 Note the ongoing consultation on the proposals, targeted at licensees, trade organisations and members of the public;
- 2.3 Contribute to the consultation exercise by commenting on the Draft Licensing Policy Statement; and
- 2.4 Approve the proposal of the Director of Public Health, Protection & Community Services to report the outcome of the consultation to the next scheduled meeting of this Committee, together with any necessary changes to the Draft Licensing Policy Statement, prior to submission to the Executive.

### **3. BACKGROUND**

- 3.1 The current Statement of Licensing Policy took effect 7th January 2015 for a period of 5 years, which reflected the statutory period that the policy could be in force without review.
- 3.2 Whilst the policy has been subject to informal review throughout its currency with changing legislation and guidelines, no substantial amendments have been made and the policy was considered to be 'fit for purpose'.
- 3.3 The date for statutory formal review and publication of revisions is now approaching and it is necessary for the policy to be adopted by Full Council.
- 3.4 This Licensing Policy is intended to provide clear guidance on licensing matters to applicants, licensees and the public; promoting economic growth for local businesses whilst enabling the community to make constructive representations should the need arise.
- 3.5 Members should note that since the last revision of the Statement of Licensing Policy, the Statutory Guidance, issued under Section 182 of the Licensing Act 2003 has been amended, and now provides further guidance on matters to be contained in the Policy.

### **4. CONSULTATION**

- 4.1 It is recognised that following the publication of the original Draft Statement of Policy 2020-2025, subsequent amendments are likely to largely reflect the original, with modifications in light of any further comments. It is also important to have regard to legislative changes and best practice which can assist in achieving local initiatives.
- 4.2 Whilst there is a statutory requirement to consult on the policy revisions, discretion is afforded to the Licensing Authority to consider the level of consultation necessary, and to be mindful of the modifications proposed. Due regard will also need to be made to the resource implications, process and costs associated with same.
- 4.3 Having regard to the foregoing, the current policy was subject to review and whilst it was recognised that several legislative changes needed to be incorporated, the fundamental direction of the policy did not need significant amendment. (The legislative changes have already been implemented, albeit they may not be recognised in the Policy Statement.)
- 4.4 The consultation process is already in progress.
- 4.5 In order to assess the views of partner agencies, in preparation for revisions, a Licensing Policy Meeting was held on Wednesday 1<sup>st</sup> May 2019. All responsible authorities were invited to attend, those who did represented South Wales

Police, South Wales Fire & Rescue Service, Environmental Health, Licensing Authority, Trading Standards and Child Protection, apologies were provided by the University Health Board, who provided some literature.

- 4.6 The agenda intended to highlight potential areas of the policy that was considered required of review and to pose questions to prompt discussion as to the changes necessary to achieve the aims of the respective partners in the context of the licensing objectives. A discussion also involved whether there was a need to implement special policies within the draft, such as Cumulative Impact, Late Night Levy and Early Morning Restriction Orders.
- 4.7 The meeting was considered a proportionate and practical way to engage the views of practitioners, ensuring their views were incorporated into draft revisions.
- 4.8 Since the meeting a draft revised Statement of Licensing Policy has been compiled, which is the document presented to Members in this meeting.
- 4.9 A Public consultation is currently ongoing whereby the Policy can be observed and commented upon.
- 4.10 Three public event dates have been arranged during which the public can openly sit and discuss the policy with members of the licensing department. There is one event in each of the three boroughs Rhondda, Cynon and Taf.

## **5. SUMMARY OF KEY CHANGES**

- 5.1 The key changes to the policy are:
  - Layout and structure of the report to allow a more user friendly viewing, and more consideration of the Guidance issued under section 182 of the Licensing Act 2003, published in 2018.
  - Recognition of the Council's Corporate Plan, Wellbeing of Future Generations (Wales) Act 2015 and the Corporate Enforcement Policy.
  - A change of the aims and purpose to reflect those contained within the 182 Guidance.
  - Strengthened consideration of safeguarding of children and the vulnerable.
  - Inclusion of the Home Office as a Responsible Authority since 6<sup>th</sup> April 2017, as a result of the Licensing Act being amended through the Immigration Act 2016.
  - Recognition of the health implications of alcohol and linking into that associated with underage;

- More information regarding the deregulation of entertainment through the Live Music Act 2012 and the Deregulation Act 2015;
- Powers to suspend and revoke Personal Licences when the holder is convicted of a relevant offence, introduced through amendments to the licensing Act 2003 made by the Policing and Crime Act 2017.
- Introduction into the Policy of Late Night Levy and Early Morning Restrictions Orders, introduced through the 'Police Reform and Social Responsibility Act 2011'.
- Introduction of Public Space Protection Orders (PSPO) and exclusion zones.
- Introduction of the Community Alcohol Partnership (CAP).
- Mention of Provisional Statement and Interim Authority Notice.
- Petitions – no longer accept all names on the list as individuals making representations.
- A focus on information sharing and partnership working is evident throughout the Policy document.

**A copy of the Draft Policy Statement for 2020-2025 is reproduced for information as Appendix 1.**

## **6. WAY FORWARD**

- 6.1 This draft policy is currently open to comment from the responsible authorities, councillors and the public. Following any comments, the Policy will be further revised to incorporate any necessary changes.
- 6.2 The further revised document will be presented before Licensing Committee together with any changes that may have been considered necessary on 10<sup>th</sup> September 2019.
- 6.3 Following approval of the Draft Statement of Policy, it can be commended to the Executive, prior to approval & adoption by Full Council on 27<sup>th</sup> November 2019.
- 6.4 This will allow the revised Policy Statement to take effect 7<sup>th</sup> January 2020, in accordance with statutory requirements.

### **Appendix 1**

Draft Statement of Policy (Licensing Act) for 2020 - 2025

**Paul J Mee**  
**Director of Public Health, Protection & Community Services**