



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

17TH OCTOBER 2019

**LICENSING ACT 2003 -
NEW STATEMENT OF LICENSING POLICY 2020 – 2025**

**REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES IN CONSULTATION WITH THE CABINET
MEMBER, COUNCILLOR RHYS LEWIS**

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1. PURPOSE OF THE REPORT

- 1.1 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 and seek endorsement of the Draft New Statement of Licensing Policy (Alcohol, Entertainment and Late Night Refreshment) 2020 – 2025.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the recommendation of the Licensing Committee on the 10th September 2019 and endorse the Draft Statement of Licensing Policy (Alcohol, Entertainment and Late Night Refreshment) 2020-2025;
- 2.2 Commend the revised Statement to Licensing Policy (Alcohol, Entertainment and Late Night Refreshment) 2020-2025 to Council for approval with a view to the new Statement taking effect from the 7th January 2020.

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 deemed 'fit for purpose' until this formal review.

- 3.3 The date for statutory formal review and publication of revisions is now approaching and it is necessary for a new policy to be adopted by Full Council. The proposed new Policy is provided at Appendix 1 and should take effect from 7th January 2020.
- 3.4 This Statement of Licensing Policy is intended to provide clear guidance on licensing matters to applicants, licensees and the public; ensuring sensible and robust enforcement of the objectives is maintained, while 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.
- 3.6 Having regard to the aforementioned, whilst it is recognised that several legislative changes need to be incorporated, the fundamental direction of the policy does not need significant amendment.

4. SUMMARY OF KEY CHANGES

- 4.1 The key changes to the policy which have been incorporated 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 section 182 Guidance.
 - Strengthened consideration of safeguarding of children and the vulnerable.
 - Inclusion of the Home Office as a Responsible Authority since 6th 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 the 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.

5. CONSULTATION

5.1 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 was given to resource implications, process and costs associated with the same.

5.2 The consultation process consisted of the following:-

- Prior to the preparation of a draft policy, a Licensing Policy Meeting was held on Wednesday 1st May 2019. All responsible authorities were invited including South Wales Police, South Wales Fire & Rescue Service, Environmental Health, Licensing Authority, Trading Standards, Child Protection and Cwm Taf Morgannwg Health Board. The meeting was considered a proportionate and practical way to engage the views of practitioners, ensuring their views were incorporated into a draft revision.

- Following the above meeting, a draft Statement of Licensing Policy was prepared. The draft policy was forward to all Responsible Authorities, as well as members of the trade and local councillors.
- The draft policy was also subject to a public consultation whereby the policy was published online and advertised via local authority social media. Hard copies were distributed to local libraries, with advertising being placed in windows or on walls, as well as at the reception of the licensing offices. The public consultation lasted 6 weeks, and ended on 4th August 2019.
- Three public workshops, one in each area of Rhondda, Cynon & Taf took place to allow any person who had queries of the draft policy to speak with licensing officers. The meetings were advertised via social media and were held at:-
 - Ystrad Rhondda Fawr Leisure Centre on 2nd July 2019
 - Llantrisant Leisure Centre on 24th July 2019
 - Abercynon Leisure Centre on 25th July 2019

The meetings were poorly attended by the public. South Wales Police attended two, during which a discussion was had as to whether knife crime should be included, and an officer from Cwm Taf Morgannwg attended another and provided further evidence on alcohol related harms.

- A special licensing meeting was held on 29th July 2019 with the Licensing Committee invited to scrutinise the draft policy. During this meeting a number of points were questioned by members, such as
 - Including hyperlinks to be added for the corporate enforcement policy and Well-being of Future Generations (Wales) Act
 - Wording amended within reference to the Live Music Act
 - Maps and pages realigned as some were incorrect
 - Inclusion of litter in Late Night Refreshment Section – public nuisance
 - Concerns involving some signage within the area surrounding Aberdare PSPO exclusion zone
 - Use of proforma letters instead of petitions to be considered.

6. CONSIDERATIONS AND AMENDMENTS FOLLOWING THE CONSULTATION

- 6.1 Following the various consultation events the following considerations have been taken.

- Hyperlinks have been added for the Corporate Enforcement Policy and relevant legislation.
- Consideration given to the wording with the Live Music Act within Section 11, to ensure it reflected fully the wording of the legislation.
- More recent statistics and information included about alcohol related harms in RCT.
- The wording within the crime and disorder replaces 'guns' with 'weapons' to reflect any article which may be used as a weapon.
- Maps and pages realigned to reflect the contents page.
- Strengthened the paragraph to include litter in Late Night Refreshment.
- The use of proforma letters instead of petitions was considered alongside changes to how petitions will be handled. Details of how to submit objections will be publicised on the Council website going forward.

6.2 Following the final review of the Statement of Policy, the views of the Licensing Committee were sought on the 10th September 2019 and the Committee recommended the Draft Statement of Licensing Policy (Alcohol, Entertainment and Late Night Refreshment) 2020-2025 for further consideration by Cabinet.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full EqIA is not required.

7.2 The report does not impact on any one group more than others, except for in a positive nature towards children. The safeguarding of children is a significant consideration for Rhondda Cynon Taf County Borough Council as well as one of the key licensing objectives. This report is compiled with the intention of keeping children safe and minimising the risk of them coming to harm through contact with alcohol whether it be directly or indirectly.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

8.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a Statement of Licensing Policy at least every five years. The current statement of licensing policy expires on 7th January 2020.

8.2 The process for the adoption of the Statement of Licensing Policy is subject to statutory control. It must be approved by Full Council and published in the final format at least 4 weeks prior to it taking effect.

8.3 In order to meet the statutory timeframe, and subject to any recommendation by Cabinet, the Statement of Licensing Policy is scheduled for consideration by Full Council on 27th November 2019.

9. FINANCIAL IMPLICATION(S)

9.1 There are no financial implications.

10. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

10.1 Due regard has been made to the five ways of working, as contained within the Wellbeing of Future Generations (Wales) Act 2015, when preparing, reviewing, consulting on and publishing this strategy. The policy is consistent with the Act and specifically identifies with three of the five ways of working.

10.2 The authority has **collaborated** with other local authorities and partners when considering this policy for a consistent approach which meets the needs of the local Borough.

10.3 Consultation and **involvement** of various partners, agencies and the public and engagement has been undertaken with the Licensing Committee to ensure a policy that is fit for purpose. **Involvement** with the trade and the public is also paramount to achieving a thriving but safe licensed trade in RCT.

10.4 The licensing objectives are wholly consistent with the '**prevention**' approach advocated in the Act and this proposed policy seeks to promote each of the objectives as far as reasonably practicable to the benefit of the community and licence holders as appropriate.

11. CONCLUSION

11.1 The new proposed Statement of Licensing Policy 2020-2025 reflects the current nature of the licensing trade within RCT. A new Policy must be in place by the 7th January 2020 however the Policy will remain a living document and can be revised further during the next 5 year period as circumstances dictate.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background papers:

Licensing Committee – 10th September 2019

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