

Committee: **Council**

Date of Meeting: **29<sup>th</sup> July, 2021**

Report Subject: **Licensing Act 2003 – Statement of Licensing Policy**

Portfolio Holder: **Councillor D. Davies – Executive Member – Regeneration & Economic Development**

Report Submitted by: **David Thompson, Service Manager- Public Protection**

Report Written by: **Steve Osborne, Team Manager- Trading Standards and Licensing**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Planning, Regulatory and General Licensing Committee
8.6.21	10.6.21						29/7/21	24/6/2021

## 1. Purpose of the Report

1.1 To approve the Statement of Licensing Policy (the Policy) in accordance with the Licensing Act 2003.

## 2. Scope and Background

2.1 The Licensing Act 2003 (as amended) requires that the Licensing Authority publish a five yearly Statement of Licensing Policy, which states how it will administer and enforce the Act. The policy must be approved by full Council and cannot be delegated to the Statutory Licensing Committee. A copy of the draft revised policy is attached at **Appendix 1**.

2.2 The key changes to the current policy are:-

- Section 7 – Alcohol Harm – section replaced with comments from Aneurin Bevan university Health Board (ABUHB);
- Section 8 – Drugs – paragraphs added by ABUHB;
- Section 10 – Prevention of Crime and Disorder – additional guidance to licence holders added;

- Section 11 – Prevention of Public Nuisance – additional guidance;
- Section 12 – Public Safety – additional guidance;
- Section 13 - Protection of Children from Harm – additional guidance relating to Safeguarding;
- Section 17 – replaced with updated information;
- Section 18 – European Services Directive – removed, no longer relevant;
- Section 18 – Personal Licence – updated information and addition of information regarding immigration issues;
- Section 21 – Temporary Event Notice – updated legislative guidance;
- Section 23 – Regulated Entertainment – updated legislative guidance;
- Section 24 – Live Music – removed due to updated section 23;
- Section 26 – Application Procedure – updated guidance including immigration changes;
- Section 31 – Cumulative Impact Policy – updated guidance.

2.3 The Act also requires that, following approval by the Council, the decision must be advertised in a local newspaper before the policy comes into effect. It is proposed that the Policy will come into effect on 1<sup>st</sup> October 2021.

2.4 Blaenau Gwent Council currently licences 272 premises, which includes the three main types of premises - 78 public houses, 48 takeaways and 83 off licences, 37 members and workingmen's clubs and 820 personal licences. In addition, approximately 50 notices for temporary events are received in a normal calendar year.

2.5 In developing the revised policy, Licensing Officers have collaborated with colleagues from the Gwent Licensing Forum. This has enabled a consistent approach to be taken across the Gwent Police Authority area with each local authority subsequently intending to adopt similar Statements of Licensing Policy.

2.6 Statutory consultation was carried out between 23<sup>rd</sup> March 2021 and 21<sup>st</sup> May 2021. The following external bodies were consulted:

Public houses,

Takeaways  
Off licences,  
Members and workingmen's clubs  
Gwent Police  
South Wales Fire and Rescue Service  
Aneurin Bevan University Health Board (ABUHB)  
Organisations representing the licensed trade.

- 2.7 Internal departments of the Council, including Elected Members, were also consulted.
- 2.8 No objections were received from the above consultees. One response was received from South Wales Fire and Rescue Service confirming that it had no comments to make.
- 2.9 One supportive response was received from Dr. Sarah Aitken, Executive Director of Public Health and Strategic Partnerships at Aneurin Bevan University Health Board, congratulating the Authority for producing a comprehensive document. A copy of the response is attached at **Appendix 2**.
- 2.10 The Statutory Licensing Committee considered the revised policy at its meeting on 24<sup>th</sup> June 2021 and resolved to recommend its approval by Council.

### 3. **Options for Recommendation**

#### 3.1 **Option 1 (Preferred Option)**

- That the Council approves the revised policy in **Appendix 1**.

#### **Option 2**

- That the Council approves the policy subject to further amendments.

#### **Option 3**

- That the policy is not approved by the Council.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan/Statutory Responsibilities/Blaenau Gwent Well-being Plan**

- 4.1 This report relates to the statutory duties and responsibilities of the Authority. There are no direct links to this report .

## 5. **Implications Against Each Option**

- 5.1 This report reflects work carried out by the Licensing Team within existing resources and there are therefore no financial implications. All Licence fees are set by UK Government.
- 5.2 If the Council does not approve a Policy as required by statute, it will be at risk of legal challenge from stakeholders and licence holders for authorisations granted under the Licensing Act 2003.
- 5.3 This report relates to the statutory powers and responsibilities of the Authority. There are no significant legal implications of Option 1. Option 1 offers the most effective proposal to protect public safety in the licensing regime and has been drafted in conjunction with the other Authorities in Gwent.
- 5.4 Option 2 would however require further legal consideration to ensure that any further proposed amendments are lawful and reasonable.
- 5.5 Option 3 places the Authority at risk of legal challenge if a revised Policy is not adopted and published within the five-year period (by 1<sup>st</sup> October 2021) as required by the Licensing Act 2003.
- 5.6 There are no staffing/workforce implications associated with this proposal.

## 6. **Supporting Evidence**

- 6.1
- Licensing Act 2003 – Statement of Licensing Policy 1<sup>st</sup> October 2021 Revised version (**Appendix 1**)
  - Letter from Aneurin Bevan University Health Board (**Appendix 2**)

## 7. **Monitoring Arrangements**

- 7.1 This Policy will be subject to statutory review as required by the Licensing Act 2003 and further reports will first be made to Statutory Licensing Committee as appropriate, regarding any changes that become necessary.