

FULL COUNCIL REPORT

Date Written	4 th December 2018
Report Author	Simon Jones
Service Area	Licensing
Exempt/Non Exempt	Non Exempt
Committee Date	19 th December 2018

To: Mayor, Ladies and Gentlemen

Five Year Revision Of Statement Of Licensing Policy Under The Licensing Act 2003

1.0 SUMMARY OF THE REPORT

- 1.1 Merthyr Tydfil County Borough Council in accordance with the Licensing Act 2003 has a legal requirement to review its Licensing Policy every five years. The Licensing Policy sets out how the Council will regulate licensed premises, qualifying members' clubs, personal licences and temporary events.
- 1.2 One the 18th July 2018, a revised policy was put before the Planning Regulatory & Licensing Committee with members resolving that the same be put for public consultation.
- 1.3 The consultation has concluded and after taking into account the responses received during the consultation period the policy was further revised by the Community Safety and Regulatory Compliance Manager in consultation with the Chair of the Planning Licensing & Regulatory Committee. That revised policy is now put before Full Council for members to consider.

2.0 RECOMMENDATIONS that

- 2.1 The revised Statement of Licensing Policy 2019 – 2024 be approved and to come into force on the 7th January 2019

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Section 5 of the Licensing Act 2003 as amended (the Act) requires a Licensing Authority to prepare and publish a statement of its licensing policy (the Policy) every five years. Previously it had been a requirement to do this every three years. This will be the fourth time the Policy has been revised.
- 3.2 The current Statement of Licensing Policy 2014 – 2019 came into force on the 7th January 2014 and in accordance with statutory requirements it is effective for five years which means that the Council's new Revised Policy must be adopted and published to take effect from the 7th January 2019. This Policy will then be effective for a 5 year period ending on the 7th January 2024.
- 3.3 To comply with this requirement, a revised Statement of Licensing Policy was drafted in line with national guidance and in accordance with current legislation. On the 18th July 2018 the revised Policy was considered and approved by the Planning Regulatory & Licensing Committee. Following approval the Policy was put for consultation over a 11 week period from the 6th August 2018 to the 23rd October 2018. The length of the consultation period was consistent with previous policy consultations and proportionate when considering the changes proposed to the policy.
- 3.4 The Licensing Act 2003 states that before determining its Policy for any five year period, the licensing authority must consult the consultees listed at section 5(3) of the Act namely:
- a) the chief officer of police for the area;
 - b) the fire and rescue authority for the area;
 - c) the Local Health Board for the area;
 - d) persons/bodies representative of local holders of premises licences;
 - e) persons/bodies representative of local holders of club premises certificates;
 - f) persons/bodies representative of local holders of personal licences; and
 - g) persons/bodies representative of businesses and residents in its area.
- 3.5 A copy of the draft Policy was published on the Council's website, facebook and twitter. It was also put for consultation using Smart Survey.
- 3.6 There were no responses to the public consultation with the only response from the statutory consultees detailed in 3.4 above coming from South Wales Police.

South Wales Police suggested that the Policy be amended as follows:-

Section 19.4 be amended to remove from the Policy “participation in local “Night Net Radio”.

In addition, South Wales Police suggested that the Policy include the following requirement:-

For new licence applications, where a licence requires the provision of SIA Door Staff it will be a requirement that at least the head door staff will wear a body worn surveillance camera.

Finally South Wales Police suggested that sections 26.2 & 26.3 be replaced with the following:-

Inspections of licensed premises will be carried out on a risk analysis based on local intelligence.

- 3.7 The suggested amendments were considered by the Chair of the Licensing Committee, Community Safety and the Regulatory Compliance Manager who determined that the draft Policy be amended to reflect the suggested amendments. A copy of the draft policy reflecting the amendments is contained in the background papers to this report.
- 3.8 Should Council resolve to adopt the Policy the Licensing Department will prior to the Policy coming into force on 7 January 2019 publish the revised Statement of Licensing Policy in the following ways:-
- a) Publish the revised Statement of Licensing Policy on the Council’s website and make the Policy available for inspection by the public at one or more public libraries in the borough.
 - b) Publish a notice no later than the first day on which the revised Statement of Licensing Policy is made available on the Council’s website in one or more of the following places:
 - (i) a local newspaper circulating in the area covered by the statement;
 - (ii) a local newspaper, circular, or similar document circulating in the area covered by the statement;
 - (iii) a public notice board in or near the principal office of the authority;
 - (iv) a public notice board on the premises of public libraries in the area covered by the statement.
 - c) The notice shall specify:
 - (i) the date on which the statement will be published;
 - (ii) the date on which the statement will come into effect;
 - (iii) the internet address where the statement will be published;
 - (iv) the address of the library at which the statement is published.

4.0 FINANCIAL IMPLICATION(S)

- 4.1 There are no costs linked to approval of the Licensing Policy. However if adopted by Full Council there may be a cost incurred if the public notice is published in a local newspaper circulating in the area. If this is done the cost of the same will be met from the Licensing Department's budget.

5.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	2 of 4	0 of 4	2 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5
3. Protected Characteristics <i>(including Welsh Language)</i>	0 of 10	0 of 10	10 of 10
4. Biodiversity	0 of 1	0 of 1	1 of 1
<p><u>Summary:</u></p> <p>The main positive impacts are that this will allow the public and the licencing trade to plan ahead knowing the Council's policy for the next 5 years</p> <p>The main negative impacts are - none</p>			

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Revised Licensing Act 2003 Policy	2019 -2024	Licensing Department

Does the report contain any issue that may impact the Council's Constitution?	
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Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.