

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

9th September 2020

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: All

Licensing Act 2003 - Review of Licensing Policy

Purpose of the Report

1. To consider the draft revised Licensing Policy prior to consultation and approve a period of consultation for the aforementioned policy.

Executive Summary

2. The Council, as the Licensing Authority under the provisions of the Licensing Act 2003, are required to review its Licensing Policy every 5 years.
3. Prior to adopting a revised Licensing Policy, the Licensing Authority must undertake a mandatory consultation exercise.
4. Council is being asked to consider whether any amendments are required to be made to the draft revised Licensing Policy prior to commencing the consultation exercise.

Background

5. The objective of the Licensing Act 2003 is to provide a clear, transparent framework for making decisions about applications by individuals or

businesses wishing to sell or supply alcohol, or provide certain types of regulated entertainment and late night refreshment.

6. The Council, as the Licensing Authority under the provisions of the Licensing Act 2003 is required to prepare a Licensing Policy which sets out how licensable activities will be regulated and how licensing functions will be exercised in their areas, as well as expectations of licence holders and operators.
7. The Licensing Policy sets out how licensees can contribute to creating the evening and night-time economy that the Council envisages, offering vibrant and varied town centres, which are safe, attractive places for all to enjoy. The Policy covers areas such as
 - a. Application processes
 - b. The types of regulated entertainment
 - c. The licensing objectives
 - i. Prevention of crime and disorder
 - ii. Public safety
 - iii. Prevention of public nuisance
 - iv. Protection of children from harm
 - d. Operating schedules and expectations of licence holders
 - e. Licence reviews, enforcement and the role of the responsible authorities.
8. The Council is required to review its Licensing Policy at least every 5 years. The existing Policy was published on the 31st January 2016 and therefore a revised Policy must be in place by the 31st January 2021.
9. Prior to publishing a revised Licensing Policy, the Council must undertake a mandatory consultation exercise before formal approval by Council. The Policy must be published at least 4 weeks before it comes into effect.

Officer Report

10. A copy of the draft revised Licensing Policy is attached at Appendix 1 to this report.
11. The structure of the policy has been amended significantly to reflect a template policy which has been shared across Wales, however fundamentally, the content has mainly been updated to reflect changes to guidance and various references to other policies and legislation that has come into force since 2015, the most significant being the Wellbeing of Future Generations (Wales) Act 2015.
12. Before a revised Licensing Policy can take effect, the Licensing Authority must carry out a mandatory consultation exercise. The Licensing Act 2003 specifies statutory consultees, however it is proposed that in addition to these, the consultation be as wide reaching as possible to include a range of interested parties, trade bodies, disability groups, drug and alcohol misuse groups and the general public.
13. It is considered that the consultation process be for a minimum of 6 weeks to allow time for responses to be submitted, following which comments will be brought back to a meeting of Council in December 2020 for consideration.
14. An informal consultation with various partner agencies has already taken place and resulted in only a few minor changes.
15. The Licensing and Gambling Acts Committee also considered the draft revised Licensing Policy on the 25th August 2020 and suggested a glossary of terms be included in the policy; this is currently being developed and will be included in the document prior to consultation.
16. Council is being asked to consider whether any additional amendments are required prior to approval to commence the consultation exercise.

Financial Impact

17. Not applicable

Integrated Impact Assessment

18. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010,

the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016

The first stage assessment has indicated that a more in-depth assessment is not required.

Legal Impacts

19. The Council, as the Licensing Authority under the provisions of the Licensing Act 2003 are required to review its Licensing Policy every 5 years.

Risk Management

20. Not applicable

Consultation

21. Approval to commence the consultation process is required from Council

Recommendation

22. It is recommended that delegated authority be granted to the Head of Legal Services to embark on a consultation exercise in respect of the proposed Licensing Act 2003 Policy, subject to any amendments proposed at Council and that a report be brought before Council in December 2020 for approval to adopt a Licensing Act 2003 policy, taking into account issues raised during the aforementioned consultation exercise.

Reasons for Proposed Decision

23. In order to comply with the legal requirements as set out in the Licensing Act 2003

Implementation of Decision

24. The decision is for immediate implementation.

Appendices

25. Appendix 1 - Revised Draft Licensing Act Policy 2021.

List of Background Papers

26. Section 182 Licensing Act 2003 guidance
27. Neath Port Talbot Licensing Policy 2016
28. Integrated Impact Assessment - First Stage Assessment

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