

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Council**

2nd December 2020

### **Report of the Head of Legal Services – Craig Griffiths**

#### **Matter for Decision**

**Wards Affected:** All

### **Licensing Act 2003 - Review of Licensing Act 2003 Policy**

#### **Purpose of the Report**

1. To consider the adoption of a revised Licensing Act 2003 Policy following the end of the consultation period.

#### **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. Following approval by Council on the 9th September 2020, a consultation exercise was carried out between September and November 2020, which resulted in one response.
5. Council is now being asked to adopt a revised Licensing Policy and authorise the Head of Legal Services to advertise and publish the Policy in the prescribed manner.

## Background

6. 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.
7. 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.
8. 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.
9. 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.
10. Prior to publishing a revised Licensing Policy, the Council must undertake a mandatory consultation exercise before formal approval by Council.

11. The Policy must be published at least 4 weeks before it comes into effect.

## **Officer Report**

12. A copy of the revised Licensing Policy is attached at Appendix 1 to this report.
13. 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.
14. At the Council meeting on the 9th September 2020, members approved a period of consultation for the aforementioned Policy and a consultation exercise was subsequently carried out between September and November 2020.
15. The consultation included the statutory responsible authorities, premises licence holders, club premises certificate holders, trade bodies, alcohol harm groups and other various interested parties. The consultation was also publicly available on the Council's consultation portal. Despite the consultation exercise being wide reaching, only one response from the Health and Safety Executive was received, who had no comments to make.
16. Council is now being asked to adopt the revised Licensing Policy and authorise the Head of Legal Services to advertise and publish the Policy in the prescribed manner.

## **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. Consultation has been carried out in accordance with statutory requirements

### **Recommendation**

22. It is recommended that Council approve the revised Licensing Act 2003 Policy and authorise the Head of Legal Services to advertise and publish the Policy in the prescribed manner

### **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

### **Officer Contact**

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