

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Licensing Act 2020 Policy Statement

DIRECTORATE: Social Care & Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 26th November 2019

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the proposed 'Draft Licensing Policy 2020' prior to submission to full council to agree adoption.

2. RECOMMENDATION(S):

- 2.1 Members consider the proposed updated policy statement and comment accordingly (Attached as Appendix A).

3. KEY ISSUES

- 3.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. It has been nearly five years since the last policy was approved at Full Council on 25th June 2015 and this report sets out the procedure and proposed, updated, policy statement for prior to consideration at Full Council.

- 3.2 Before determining its policy for a five year period, a licensing authority must consult with the following:-

- The Chief Officer of Police for the licensing authority's area,
- The Fire Authority for that area,
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- Such persons as the licensing authority considers to be representatives of holders of club premises certificates issued by that authority,
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- Such other persons as the licensing authority considers to be representatives of businesses and residents in its area.

- 3.3 The Authority must have regard to the Home Office Guidance issued under section 182 of the Licensing Act when making and publishing its policy. Departure from this Guidance issued by the Home Office could give rise to an appeal or judicial review.

- 3.4 The revised policy for Monmouthshire County Council must be published and in place for commencement on 1st July 2020. A review of the policy was conducted with members of the Gwent Licensing Forum, which consists of Council Licensing Officers, Police Licensing Officers and a Public Health Officer covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport. The proposed policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting the policy around July 2020, dependant on each Authority's five year adoption and revision date outlined in 3.1 above.

3.5 The revision of the policy highlighted in red, has taken into account any legal changes and integrating strategies through such changes. The Policy provides an update of the implications of Alcohol and Drug Harm within Monmouthshire provided by Public Health. This in turn will highlight the need for licensee to put measures in place and to work in partnership with Statutory Officers under the Act. Guidance is given within the Policy on best practice for the following

- Prevention of Crime and Disorder, which includes CCTV, security, drug and weapon policies, use of toughened glass, underage schemes and prevention of sexual exploitation, modern slavery and human trafficking.
- Prevention of Public Nuisance, which includes working with partners such as Environmental Health and referral to Welsh Government's Noise and Soundscape Action Plan 2018-2023.
- Public Safety, which includes advice on risk assessments and control measures
- Protection of Children from Harm, this includes safeguarding advice and underage sales.

3.6 Cumulative Impact Assessment – Chepstow

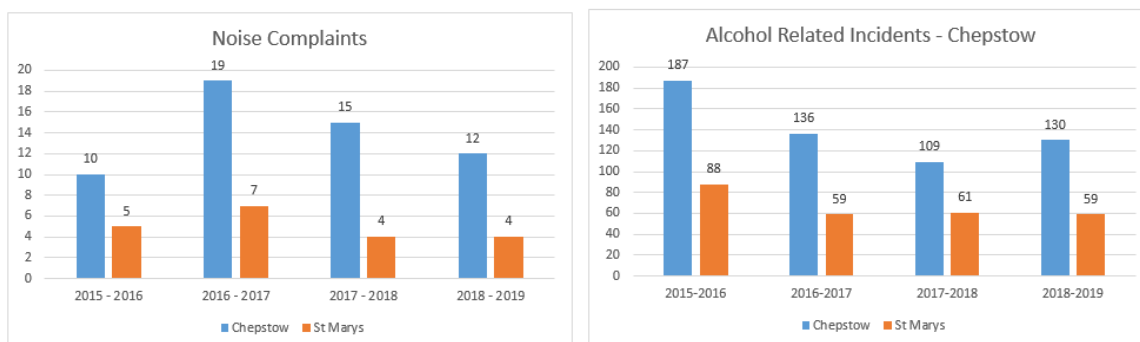
One of the key changes to the previous policy adopted in 2015 to that highlighted in 3.5 above is the proposal to remove the Cumulative Impact Policy for Chepstow. In April 2018, Section 141 of the Policing and Crime Act 2018 made changes to the Licensing Act 2003, which requires all Authorities to carry out a Cumulative Impact Assessment (CIA) to the area they propose to have special measures put in place. The Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers a CIA applies to all licences or those of a particular kind.

As such, the Authority cannot have a cumulative impact policy, as previously adopted, but must instead conduct a thorough assessment if a CIA is to be introduced. It must be reviewed at least every three years and when being reviewed should not be re-introduced unless justified.

An assessment was carried out for Chepstow (St Marys Ward is the current Cumulative Impact Area) since the adoption of the last Policy in 2015 as follows:-

9 new applications, 2 variation applications and 2 minor variation applications were processed. None of these applications were refused within the previous Cumulative Impact Area.

Information received from Environmental Health regarding noise complaints and Gwent Police regarding alcohol and violent incidents are as follows:



There is a steady decline in noise complaints and in alcohol related incidents. In carrying out an assessment, it is clear that Chepstow Town Centre can no longer be considered as a Cumulative Impact Area. It is clear that even though 9 new premises licences that selling alcohol (5 of those having entertainment) were granted for this area since 2015, it did not increase any incidents. It was further recognised that other

measures are in place to tackle unlawful and anti-social behaviour associated with licensed premises throughout Monmouthshire and this is stated in 31.5 of the proposed Policy Statement 2020 attached as Appendix A.

If there is no clear evidence that there are crime and disorder or nuisance concerns, or there are no activities which pose a threat to public safety or the protection of children from harm, then a Cumulative Impact Area should not be adopted and would be open to challenge. Chepstow Town Centre has no evidence of such concerns and the Cumulative Area should be removed, which is supported by Gwent Police, who stated the following by e-mail on 12th November 2019

“Gwent Police understand that it is being considered that the cumulative impact area be removed for Chepstow Town. Gwent Police would agree with this consideration. Since the cumulative impact area has been in place it has not been used to prevent new licensed premises opening. These new applications have been allowed with strict licensing conditions attached to the Premises License, this has resulted in the four Licensing Objectives being adhered to.”

However, the Authority will consider this approach if at any time it becomes appropriate and necessary to adopt an area within Monmouthshire. Where appropriate, the Authority will conduct an assessment and carry out a full consultation should the Policy Statement need amending.

3.7 Timetable for the adoption of the Policy

The timetable of events planned for the transition of the Licensing Policy across Gwent are as follows:-

2 nd Dec 2019 – 28 th Feb 2020	Consultation on Licensing Act Policy
31 st March 2020	Consideration of Policy consultation responses and recommendations of Members at the Licensing and Regulatory Committee
8 th May 2020	Submit Policy for internal consultation with Senior Leadership team prior to Full Council hearing
18 th June 2020	Policy report to Full Council
1 st July 2020	Adoption of Licensing Act Policy 2015

The Draft Licensing Policy is attached to this report in Appendix A.

4. **REASONS:**

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Licensing Act 2003 effectively.

5. **RESOURCE IMPLICATIONS:**

No resource implications identified.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

The 'Future Generations' template is attached as Appendix B.

7. CONSULTEES:

The Chief Officer of Police, the Fire Authority, licensed premises holders, club certificate holders, personal licence holders and their representatives. Gwent Licensing Forum. Consultation will also take place with relevant business and resident representatives via notification of the revised Policy on the Council's website. Similarly, County Councillors, Town and Community Councillors and Solicitors that have previously been involved in licensing matters will be consulted.

8. BACKGROUND PAPERS:

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003 – Home Office, dated April 2018

9. AUTHOR:

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