

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Licensing Act 2020 Policy Statement

DIRECTORATE: Social Care, Safeguarding & Health

MEETING: Full Council

Date to be considered: 4th June 2020

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

1.1 To consider the proposed 'Licensing Act 2003 Policy Statement 2020', as previously debated by the Licensing and Regulatory Committee, and attached as Appendix A.

2. RECOMMENDATION(S):

2.1 Members approve the updated Licensing Policy statement for adoption by Monmouthshire County Council, to come into force on 1st July 2020 (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 it's policy for the next five year period a full consultation must take place, with representations 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 revised policy was considered by the Licensing and Regulatory Committee on 26th November 2019, prior to it being released for consultation. The consultation required in 3.2 above was duly carried out, with it ending and comments received up until Friday 28th February 2020.

3.4 Following this consultation responses were received from two separate bodies. The first being Goetre Fawr Community Centre, who had no comments to make on the contents of the policy, but requested that an Executive Summary would be beneficial. The policy is broken down into Sections to attempt to help readers navigate the statement. Compilition of Policy Statements is highly prescribed but this Authority will review whether a summary would be helpful next time it is updated.

Aneurin Bevan University Health Board (ABUHB) made the other comment on the policy. The ABUHB recognised the changes to the Cumulative Impact Area and the assessments that are now required which was highlighted at the Licensing and Regulatory Committee on 26th November 2019 and is again referred to in 3.5 below. With this in mind the ABUHB made the following comments:

Aneurin Bevan University Health Board (ABUHB) welcomes the opportunity to provide feedback to Monmouthshire County Council on the draft Statement of Licensing Policy 2020.

ABUHB have considered the draft document in depth, consulted with public health colleagues and congratulate the Council on producing a comprehensive document. The draft Policy provides clear and detailed guidance on licensing expectations and processes in Monmouthshire.

Although initially concerned with the removal of the Chepstow Cumulative Impact Policy area, ABUHB recognise the reasons for this and are satisfied that other measures can and will be put in place if problems arise. We have been reassured that the Policy will be accompanied by a Model Pool of Licensing Conditions, which are being drafted in collaboration with our local Public Health Team.

3.5 The model pool of conditions is referred to within the policy, in section 26.7 to provide guidance to applicants when completing premises applications under the Licensing Act 2003.

3.6 Cumulative Impact Assessment – Chepstow

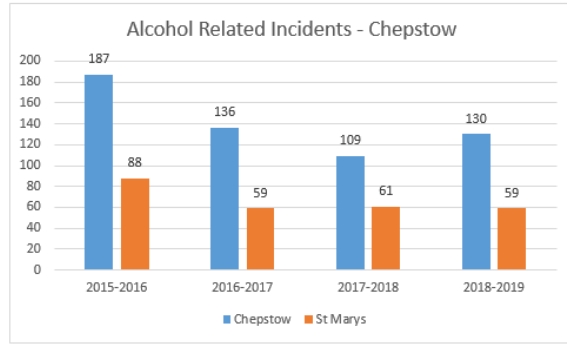
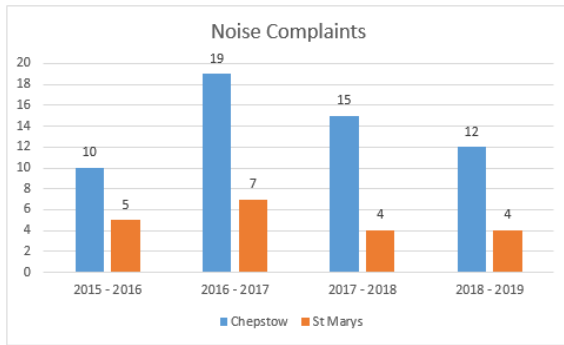
One of the key changes to the previous policy adopted in 2015 is the proposal to remove the Cumulative Impact Policy for Chepstow. In April 2018, Section 141 of the Policing and Crime Act 2018 made changes to the Licensing Act 2003, which requires all Authorities to carry out a Cumulative Impact Assessment (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.

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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