

**The
CYNGOR SIR POWYS COUNTY COUNCIL**

LICENSING COMMITTEE

Date 8th September 2020

REPORT AUTHOR: Sue Jones, Senior Licensing Officer

REPORT TITLE: Review of Licensing Act 2003 Policy

REPORT FOR: Decision

1. Purpose

- 1.1 The authority's current Licensing Act 2003 Policy was published in January 2016. In accordance with section 5 of the Licensing Act 2003 the authority is required to publish a revised updated Licensing Act 2003 policy in January 2021.
- 1.2 The committee is asked to approve a revised Licensing Act 2003 Policy for consultation. A final policy will need to be approved by Full Council on 26th November 2020 in order to meet the January 2021 deadline.

2. Background

- 2.1 As a Licensing Authority the Council must have regard to its Licensing Act 2003 policy when considering applications made under the Act, its purpose is to set out how the authority have interpreted the Act and the basis on which decisions are made. In addition, the Secretary of State is responsible for publishing guidance in relation to the Licensing Act 2003, its purpose is to promote best practice, ensure consistent application of licensing powers and to promote fairness, equal treatment, and proportionality. These two documents are key for the authority in discharging its functions and determining applications under The Licensing Act 2003.
- 2.2 When members are asked to consider an application subject to relevant representations the application should be considered on its own merits, and regard should be had to both the Licensing Act guidance and policy.
- 2.2 It is five years since the policy was reviewed and the updated draft policy aims to improve and update the current policy taking into consideration any legislative changes, revisions to guidance or relevant case law that have occurred since.
- 2.3 The authority collaborated with colleagues from the Four Counties Licensing Forum when considering appropriate amends and additions (the Four Counties being the four authorities within the Dyfed Powys

Police area: Carmarthenshire, Ceredigion, Pembrokeshire and Powys). Similar amends to each individual policy with a view to consistency have been agreed.

- 2.4 The draft policy is attached at Annex A, the amends to the current policy are tracked to highlight the changes, the Police Licensing Officer for Powys and other relevant local authority officers have already had an early opportunity to input and shape the draft policy.
- 2.5 Should the committee approve the revised policy then the next step in the process is for the licensing authority to consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - each local authority's Director of Public Health in England (DPH)11 or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area
- 2.6 Following a six-week consultation period, should any comments be received for the committee to consider then these will be presented and considered at a future meeting. A final policy will need to be referred to the Full Council meeting scheduled for 26th November with a recommendation that it be adopted in time for January 2021.

3. Advice

- 3.1 The committee is asked to consider the revised Licensing Act 2003 policy set out at Annex A and agree that it can go out for consultation. If necessary, consider any relevant comments at a future meeting and to present a final policy to Full Council on 26th November for approval and publication in time for January 2021

4. Resource Implications

- 4.1 Officer time to review and make amends to policy in light of any legislation changes or updates in the last five years and on collaboration with colleagues in the four counties region. Officer time to take to committee and undertake consultation process on approved policy, bring back to committee if required. This has been met within existing resources. The implications of the revised policy would not have any impact on resources.

4.2 The Head of Finance (Section 151 Officer) notes the position in section 4.1 above and can support the recommendation.

5. Legal implications

5.1 The authority is required to have a revised Licensing Act Policy published by January 2021 (five years since the last policy was published) in order to continue to carry out its functions under the Act.

The Licensing Solicitor welcomes the amendments to the policy which should assist applicants' and members of the public's understanding of the licensing process.

6. Data Protection

6.1 No implications

7. Comment from local member(s)

7.1 This is a Powys wide policy and has no isolated local issues

8. Integrated Impact Assessment

8.1 Not required, statutory policy that is being fully consulted on

9. Recommendation

9.1 To approve the revised Licensing Act 2003 policy set out at Annex A for consultation. Following consultation consider any relevant comments at a future meeting and to present a final policy to Full Council on 26th November for approval and publication in January 2021

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