

<b>COMMITTEE:</b>	<b>FULL COUNCIL</b>
<b>DATE:</b>	<b>9 May 2024</b>
<b>CABINET MEMBER</b>	<b>DAFYDD MEURIG (ENVIRONMENT)</b>
<b>TITLE:</b>	<b>REVIEW OF A DRAFT STATEMENT OF POLICY - LICENSING ACT 2003</b>
<b>PURPOSE</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1. **BACKGROUND INFORMATION**

- 1.1 In accordance with Section 5 of the Licensing Act 2003, every licensing authority is required to publish a Statement of Licensing Policy every five years.
- 1.2 During the five-year period, the licensing authority must adhere to the policy in question and carry out such amendments that are considered appropriate. At the end of the five-year period the licensing authority must review its policy and change it as required.
- 1.3 The current statement of policy was approved by the Full Council in December 2015, and it came into force in 2016. The five-year period has come to an end since 2021, and there was a delay in reviewing the policy in 2021 because of the Service's enforcement work priorities during covid lockdown periods at the time.

## 2. **THE PURPOSE OF THE STATEMENT OF LICENSING POLICY**

- 2.1 Cyngor Gwynedd has a responsibility to implement and enforce the Licensing Act 2003; placing a responsibility on local Authorities for licensing sale and the supply of alcohol, regulated entertainment, and provision of late-night refreshments.
- 2.2 Licensing Authorities in accordance with the requirements of the Licensing Act are required to publish the Statement of Licensing Policy for their area to guide them when considering applications for a licence and regulating licensed premises.
- 2.3 The Licensing Policy Statement is submitted in response to this duty, and it is relevant to every application, notice, representations, and requests for information received under the Licensing Act.
- 2.4 The Policy also aims to give guidance to applicants, objectors and residents who have an interest; businesses and the wider community in relation to the direction that we will be following as a Licensing Authority.
- 2.5 This Statement of Policy has been drawn up in accordance with the provisions of the Licensing Act 2003 and the latest version of the Home Office's guidelines produced under section 182 of the Act.

### **3. COLLABORATION**

3.1 Before the review period of the current policy, the six North Wales counties decided to establish a Task Group to collaborate and draw-up a statement of Licensing Policy that reconciled general elements across the region.

3.2 The Task Group decided to collaborate once again for consistency of structure and content; however, due to different economic and social factors that affect every authority, each statement has been worded slightly different and continues to be relevant to its specific area.

### **3. AMENDMENTS TO THE STATEMENT OF LICENSING POLICY**

3.1 Please see a copy of the new draft statement of policy in the Appendix. The changes to the existing policy appear in red in the document. The draft policy contains minor changes only; for example, the wording in the policy has been amended to refer to the Well-being of Future Generations Act 2015.

3.2 There is also reference to the role of Public Health Wales and the Health Board in the process of forming a policy and responding to applications for a premises licence.

3.3 Despite these changes, neither the spirit nor the vision of the policy have changed.

3.4 The draft statement of policy was approved in 2021 for a statutory public consultation.

### **4.0 CONSULTATION**

4.1 In accordance with the Act, the new draft licensing Policy has been the subject of a formal consultation with:

- North Wales Police
- North Wales Fire and Rescue Service
- Betsi Cadwaladr Health Board
- People/Bodies that represent the county's businesses and residents
- People/Bodies that represent current licence/certificate holders

4.2 In addition to the above, the draft policy document was available for inspection at every Siop Gwynedd and was available to be seen online.

4.3 The consultation was open for six weeks. The responses to the previous consultations have been low; and there were no responses to the consultation this time; it could be because the new draft policy does not include any contentious changes to the current policy.

4.4 The results of the consultation was reported Central Licensing Committee on 4 March 2024; and the Statement of Licensing Policy was approved with the recommendation that the Full Council adopts it in its next meeting.

## **5. EQUALITY IMPACT ASSESSMENT**

5.1 The Council is subject to public sector duties under the Equality Act 2010 (including Welsh public sector duties). In accordance with these legal duties when making decisions, Councils must pay due regard to the need (1) to eliminate unlawful discrimination (2) advance equality of opportunity and (3) encourage good relations based on the protected characteristics and pay due attention to the socio-economic duty under Section 1 of the Act. An equality impact assessment was prepared and is attached in Appendix 1. The Cabinet is asked to pay attention to its findings when deciding. The assessment does not identify any specific negative impact resulting from the decision; and no observations have been received following the public consultation.

## **6 THE WELL-BEING OF FUTURE GENERATIONS ACT.**

6.1 The Well-being of Future Generations (Wales) Act 2015 involves improving the social, economic, environmental, and cultural well-being of Wales. The act places a well-being duty on public bodies which is aimed at delivering the seven well-being goals, namely a prosperous, resilient, healthier, more equal Wales with cohesive communities and a vibrant culture and thriving Welsh language which is globally responsible. The Policy has been prepared by considering these requirements and in accordance with the five ways of working noted in the Act.

## **7 VIEWS OF THE STATUTORY OFFICERS**

### **7.1 Observations of the Monitoring Officer**

The adoption of a Statement of Licencing Policy is a matter for the Full Council. As explained in the report, a statutory process has been followed to reach this recommendation. I am satisfied with the propriety of the recommendation.

### **7.2 Observations of Head of Finance Department**

I am satisfied that the decision sought will not create an additional spending commitment, and I support the intention to update the policy.

## **8. RECOMMENDATION**

The Council is asked to approve the adoption of the draft Statement of Licensing Policy, and to delegate the right to the Head of Department to make editorial changes for accuracy as required.