

<b>Report to</b>	Full Council
<b>Date of meeting</b>	14 November 2023
<b>Lead Member / Officer</b>	<b>Win Mullen-James, Lead Member for Local Development and Planning / Emlyn Jones, Head of Planning, Public Protection and Countryside Services</b>
<b>Report author</b>	Ian Millington, Public Protection Business Manager/Nicky Jones, Senior Licensing Officer
<b>Title</b>	Proposed Revised Statement of Licensing Policy

## **1. What is the report about?**

1.1 To ask Members to formally adopt the attached revised Statement of Licensing Policy.

## **2. What is the reason for making this report?**

2.1 The Licensing Act 2003 regulates the sale and supply of alcohol, the provision of regulated entertainment and the sale and supply of late night refreshment.

Responsibility for the administration and enforcement of licensing the above activities is that of the Licensing Authority – the Council – and is delivered through Public Protection service.

2.2 The hospitality sector plays a major contributor to the local economy, particularly that of the night time economy. Legislation, along with the Statement of Licensing policy, aims to reduce harm and nuisance whilst ensuring a level playing field for business. Within the authority there are 501 premises licensed for the supply of alcohol and 172 Late Night Refreshment establishments, 31 of which are solely serving late night refreshment. Additionally, the authority has 1393 Personal licence holders on record and administers around 250 temporary event notices annually

- 2.3 Part of the responsibilities of the Local Authority, when acting in its capacity as Licensing Authority, are in accordance with Section 5 of the Licensing Act, to determine and publish a Statement of Licensing Policy.
- 2.4 As required by the legislation, and in accordance with the Guidance issued by the Secretary of State under Section 182 of the Act, the Council is required to consult upon, and prepare a Statement of Licensing Policy on a five yearly basis.
- 2.5 The Statement of Licensing Policy establishes a local framework for decision making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application.

### **3. What are the Recommendations?**

- 3.1 That the Council formally adopts the Draft Revised Statement of Licensing Policy (Appendix 1).
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

### **4. Report details**

- 4.1 On 14<sup>th</sup> October 2022 the revised Statement of Licensing Policy was presented to the Licensing Committee. Having considered the response to the public consultation exercise, which ran between 18<sup>th</sup> July 2022 and 26<sup>th</sup> August 2022, the Committee resolved to agree to the revised Statement and to recommend it to County Council for formal adoption.
- 4.2 The review was undertaken taking into account relevant changes in legislation, national guidance and good practice, also as part of an ongoing process to provide a consistent approach for service users across the region the review was undertaken in partnership with other North Wales local authorities.
- 4.3 It is worthy of note, that the Council has not received any legal challenge to the existing Policy Statement, nor has the Licensing Authority received any adverse comments from the Licensing Trade or Legal Profession in regards to the Policy

content. Therefore significant changes have not be proposed in the revised Statement, a position supported by Licensing Committee.

4.4 If the revised Statement of Licensing Policy is confirmed by Council then it shall remain in force for a further period of five years, subject of course to any necessary amendments, that in themselves would require further consultation and approval by Council.

4.5 Members should note that during the consultation period, a public notice has been placed within a newspaper that circulates within the Local Authority area, and correspondence has been sent to all Premises Licence Holders.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 This Policy will support the Corporate Plan by ensuring people are protected from harm, abuse and exploitation including tackling anti-social behaviour and aims to support economic recovery by providing advice and support to businesses.

## **6. What will it cost and how will it affect other services?**

6.1 To be met from existing budgetary requirements.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 The Policy has positive impact generally as it seeks to guide business to understand the expectation of licensed premises and the management thereof. The Policy cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations. Where any failures are found the policy outlines enforcement options to achieve compliance.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1 To comply with Statutory Requirements, the following agencies have been consulted:

- North Wales Police
- North Wales Fire and Rescue Service

- Planning Services
- Trading Standards (Weights and Measures Inspector)
- Environmental Health
- Children Services
- Health and Safety
- Representatives of the local licensing trade
- Representatives of local businesses and residents

The Licensing Authority has also consulted:

- All County Councillors
- Town and Community

8.2 In addition to the statutory requirements for the consultation, all documents were available on the County Conversation consultation portal for public viewing and available in hard copy at all Denbighshire Libraries and On Stop Shops.

## **9. Chief Finance Officer Statement**

9.1 The Council is currently projected to overspend this financial year and faces significant budget reductions in real terms next financial year. It is therefore welcome that the service has committed to deliver this policy within existing service budgets

## **10. What risks are there and is there anything we can do to reduce them?**

10.1 Should the Council not adopt a reviewed Statement of Licensing Policy, all decisions made may be open to challenge and the Council would be in breach of its statutory obligation.

## **11. Power to make the decision**

11.1. To comply with the requirements of Section 5 of the Licensing Act 2003 to review, determine and publish a Statement of Licensing Policy.