

THE VALE OF GLAMORGAN COUNCIL

CABINET: 5<sup>TH</sup> SEPTEMBER, 2016

REFERENCE FROM STATUTORY LICENSING COMMITTEE: 26<sup>TH</sup> JULY, 2016

“ LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2016-2021 (DEH) –

The Committee received a report on the Draft Statement of Licensing Policy which was the subject of a statutory consultation period between 15<sup>th</sup> June and 19<sup>th</sup> July, 2016.

The Licensing Act 2003 places a duty on Local Authorities to develop a Statement of Licensing Policy that promotes the licensing objectives:

- The prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

A list of consultees was included in Section Four of the policy and a Public Notice of the consultation was published on the Vale of Glamorgan Council website.

A list of the responses with proposed amendments to the Draft Statement of Licensing Policy was attached at Appendix A to the report.

The amended Draft Statement of Licensing Policy for the five year period 2016 - 2021 was attached at Appendix B to the report.

The Licensing Team Manager informed the Committee that there had been four responses to the consultation which were attached to the report at Appendix A. The responses received were from the following:

- Councillor David Moody Jones – Peterston Super Ely Community Council
- Councillor R.J. Bertin – Vale of Glamorgan Council Elected Member
- Barry Town Council
- Josef Prygodzicz – Public Health Wales.

As a result of the consultation response two amendments to the draft policy had been suggested. Following on from Barry Town Council response it was suggested that ‘Town and Community Councils’ were added to the list of examples of representatives within the ‘Review’ section of the policy. As a result of the response from Public Health Wales it was proposed that, as Cardiff and the Vale of Glamorgan Councils both came under the remit of the Cardiff and Vale UHB, the explanatory

paragraphs supplied by the UHB explaining its role as a Responsible Authority be included in the Vale of Glamorgan's Policy at the end of Section 8 covering "Representations". The proposed amendments were detailed in full within Appendix A to the report.

Following presentation of the report, a discussion took place during which the following matters were raised:

<b>Matters raised by Members</b>	<b>Responses</b>
<p>When a licence was renewed, was it automatically reviewed, and would information in relation to injuries emanating from the licensed premises be automatically included within that review?</p>	<p>The Licensing Team Manager advised that licences are granted for an indefinite period and therefore would not automatically be reviewed, however any Responsible Authority or person can ask for the review of a licence. This usually occurred when a premises had significant problems which had not been resolved through the Responsible Authorities, otherwise a licence would last indefinitely.</p>
<p>Are the triggers for the review of a licence less stringent than previously?</p>	<p>The Operational Manager advised they were not, they remained the same. Reviews tended to result from concerns from the public or Responsible Authorities which usually involved issues such as antisocial behaviour or the concerns around the licensing objectives.</p>
<p>How would the Licensing Authority encourage greater community involvement, which was a key aim of the Licensing Act 2003? The Member expressed the view that the public was often not aware of licence applications in their immediate area, as notices were scant and information not easily available. Furthermore, there was no obligation to advise neighbours near a premises that an application had been made.</p> <p>Was it possible for the Authority to write to residents to inform them of licence applications in their area?</p>	<p>The Legal Officer advised that there were certain requirements in relation to the advertisement of applications that needed to be carried out statutorily. All Local Members were contacted when there was a new licensing application in their ward. There would be cost implications if all neighbours were to be sent letters. The Licensing Authority had a strict procedure to follow, and if this was not followed it would affect the granting of a licence.</p>
<p>How would the Licensing Authority ensure greater community involvement?</p>	<p>The Operational Manager for Neighbourhood Services advised that the Licensing Authority was required to follow a statutory process and there was facility within this process for greater</p>

	<p>community involvement to allow the public to feed into the decision making process. Local Authorities are obliged to consult Members as part of the process, however he was not aware of any Local Authorities that went the extra mile by sending letters to all neighbouring properties as was done in the Planning process.</p> <p>If there was an issue when a licence is granted, the mechanism for calling for a review of a licence was fairly straightforward. A licence can be called in for review by Members, and local residents can be involved in the process through their local Member. Residents can also call for a licence review and have their voice heard via this process.</p>
<p>Were Town and Community Councils informed of licensing applications as a matter of course?</p>	<p>Yes.</p>
<p>If local residents missed notices or the Town or Community Council did not relay information relating to licensing applications in the local vicinity, people would be unable to object as they were unaware of an application.</p>	<p>A Member advised that the review process was a safety net, if any of the four licensing objectives were being contravened by a premises; then any individual does have the right to call for a review of the licence, and a licence can be withdrawn if there is a breach of any of the four licensing objectives.</p>
<p>If stronger measures in relation to community involvement were not stipulated within the Statement of Licensing Policy, how would greater community involvement in the licensing process be encouraged?</p>	<p>The Legal Officer advised that the document was a policy statement. The Licensing Authority followed a statutory process which was aimed at supporting people.</p> <p>The Operational Manager advised that the document was a statement which reflected the general ethos of the Licensing Act and how it operated and was perhaps not reflective of exactly what the Authority did over and above the statutory requirements. He advised that having attended many licensing reviews, he was of the view that residents and communities did have a good mechanism through which they could give their own testimonials, which</p>

	could be done through local Members or in person at public protection committees.
Writing to neighbours to advise of applications in their area was a reasonable request. There would be a cost but it would not be too great if letters were only sent to the immediate neighbours.	
If a licence was called in for review, who would be responsible for bringing the evidence from neighbours' complaints to the review?	The Legal Officer advised that if there was a complaint made about a licensed premises, in order to encourage greater community involvement, the Licensing Authority would provide support and assistance to individuals during the process, for example with diaries and statements, and work actively with the Police, particularly in relation to issues of crime and disorder and would encourage the community as a whole. The Statement of Licensing Policy was a general Statement about how the Authority would bring about greater community involvement and the exact approach taken would depend on a case by case basis.
<p>The Licensing Authority could strengthen the involvement of Town and Community Councils to encourage greater community involvement in the Licensing decisions.</p> <p>A Member expressed the view that his Ward was very rural and therefore it would be difficult to write to the neighbours. He felt that working with the Town and Community Council on these issues worked well and concurred that their role in the process could be strengthened to be more proactive.</p>	The Operational Manager for Neighbourhood Services advised that any greater community involvement should be welcomed, however the Authority would need to decide which neighbours to write to. Furthermore, the Authority received a lot of applications and there was no statutory guidance on this matter. He suggested that officers could look at other Local Authorities to see how they managed the process and come back to the Committee and see how the Policy could be bolstered in this area.

<p>The Authority could look at working with other Licensing Authorities to see how the Council could increase local involvement in the process.</p> <p>The statement should include greater detail about how increased community involvement would be achieved. Community involvement should take place prior to Licensing decisions being made.</p> <p>The Licensing team could look at the process used in the Planning department in terms of consulting neighbours.</p> <p>Could it be included within the document that the Licensing Authority would write to neighbours in regard to applications in their area as is done by Planning?</p> <p>There was a contrast between the Planning and Licensing processes in that neighbours were notified if there was a planning application in their area, but this was not the case in the licensing process, yet licensing could cause huge disruption. The public had difficulty getting through to the Police 101 line at night and the Police force was stretched to full capacity and unable to provide more support. The public was unaware that they needed to contact the Council in relation to Licensing problems. If no complaints were reported, a complaint would be dealt with as a new issue and not taken seriously.</p>	<p>The Operational Manager advised that the Statement of Licensing Policy was a policy statement intended to support the aims of the Licensing Act. It was not supposed to detail exactly how this would be done. The main issue concerned the paragraph relating to greater community involvement, the Committee could review the way it was worded and look at how the Licensing Act aimed to deliver greater community involvement.</p> <p>The Legal Officer advised that if an extra layer was added into the policy, it could open the system up to potential problems in trying to carry out the Licensing function. For example, how would 'local resident' be defined? If this were to be stipulated within the policy and was not done, the Authority would be non-compliant with its policy. The policy was a general statement; however these types of issues could be looked at outside of the policy.</p> <p>The Operational Manager reiterated that the statements within the draft policy were general statements. They could look at additional consultation measures, which could include the use of social media and report back to the Committee. He also advised that any costs involved in writing to residents could not be recovered, but he was happy to go away and look at the practices of other Local Authorities around statutory obligations in this area and options to bolster this aspect of the policy. If the policy was amended it would need to be consulted on again. He advised that the report could also include operational statistics for the Licensing department in the last 12 months, such as applications received, licences issued and renewed.</p>
<p>Other departments, such as Cleansing, wrote out to the public when needed, the cost couldn't be too great and local</p>	

Members could deliver them to the immediate neighbours. The Council's website could be used, with links to Licensing matters in the different wards. The feeling of the room was that the Authority should improve its communication in this area.	
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Following consideration of the report and the matters discussed, the Committee

RESOLVED –

- (1) T H A T the proposed amendments to the draft Statement of Licensing Policy 2016-2021 be approved.
- (2) T H A T the amended Statement of Licensing Policy be referred for comment to Cabinet and to Council for approval on 28<sup>th</sup> September, 2016.
- (3) T H A T a report be drafted in relation to how the Licensing Authority can encourage greater community involvement in the Licensing process, taking into account the approach of other Local Authorities, and the report be brought to a future meeting of the Statutory Licensing Committee for consideration.

Reasons for decisions

(1&2) Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine its Policy with respect to the exercise of its licensing functions and to publish a statement of that policy. The determination of the Statement of Licensing Policy is a Council function.

(3) In order to provide the Committee with information in relation to the approach of other Local Authorities on this matter and to provide Members with assurance that the Licensing Authority was encouraging greater community involvement in the licensing process.”

Attached as Appendix – [Report to Statutory Licensing Committee](#): 26<sup>th</sup> July, 2016 and [Amended Appendix B](#) which includes the amendments approved at the Statutory Licensing Committee meet on 26<sup>th</sup> July, 2016.,