

Date/Dyddiad:
Ask for/Gofynnwch am:
Telephone/Rhif ffôn
Your Ref/Eich Cyf:
My Ref/Fy Nghyf:
e-mail/e-bost

8 July 2020

The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry CF63 4RU
Telephone: (01446) 700111

Cyngor Bro Morgannwg
Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU
Ffôn: (01446) 700111
managingdirector@valeofglamorgan.gov.uk www.valeofglamorgan.gov.uk



Dear Licensee,

SALE AND CONSUMPTION OF ALCOHOL – BARRY ISLAND

As you are probably aware there are likely to be changes in respect of how your business operates as the Business and Planning Act 2020 becomes law. This Act relates to the sale of food and alcohol in an outdoor area of your business premises. There may also be further amendments limiting the times at which you can serve alcohol at your licenced premises.

While we await the final details of the legislation, there are some key points which you as a business will need to consider.

The recent fine weather and relaxation of some lockdown measures has seen the public understandably seek to experience again aspects of the life that existed before lockdown and this includes consumption of alcohol with friends and family. Licensed premises have seen their businesses severely impacted and are having to adapt quickly to this changing world to ensure the reactivation of their businesses can meet the new challenges and laws.

The Police and the Local Authority are responsible for ensuring compliance and likewise changes in the law offer new challenges for all of us. As lockdown is further relaxed no doubt more questions will arise.

One real concern over the past few weeks has been evidence of groups gathering outside or close to premises that are offering off sales of alcohol and, in some cases ignoring social distancing guidelines and/or engaging in anti-social behaviour. This is challenging for us all and the community as a whole. Any changes in the law that are new may cause confusion for many and that is the reason we are writing to inform you of our interpretations.

Partnership has never been so important to enable potential problems to be identified and resolved swiftly. Premises will need to ensure their risk assessments and methods of operation have considered all new risks and where relevant there should be engagement with local police and licensing authorities who will provide guidance as necessary.

Whilst premises licences may allow off sales of alcohol for collection and takeaway, if problems are identified, and breaches are evident, premises could still face potential enforcement action under Coronavirus Health Protection Regulations and the Licensing Act 2003.

Whilst police can and will deal with those persons committing offences, they will also take a holistic view and where alcohol is thought to have played a part in the cause of the problem, they may seek to mitigate further the risk by acting against a licensee. For example, the individual from whom alcohol is confiscated will be asked by the police where the alcohol was purchased.

At Barry Island, alcohol consumption away from properly controlled licenced premises increases the risk of anti-social behaviour and certainly has a potential to damage the resort and its reputation as one of Wales' premier visitor attractions.

We would remind you that Barry Island is subject to a **Public Spaces Protection Order** made under the '**Anti-Social Behaviour, Crime and Policing Act 2014**' (copy attached to this letter), which makes it a criminal offence to consume alcohol in the public spaces specified within the schedule and which includes Barry Island.

It is therefore vitally important that you support these measures by not selling or encouraging alcohol 'off sales', where it is likely that the purchaser will consume this alcohol on Barry Island, and which is not covered by the terms of the particular off-licence. Our officers have witnessed bottle openers being left outside 'off sales' premises and issues with 'off sales' being sold with containers to drink the alcohol. Such actions could impact on the alcohol licences of those premises. Such practices must stop immediately.

If one of the Council's Enforcement officers or a Police Officer witnesses alcohol consumption in any of the public spaces on Barry Island, they can confiscate this alcohol and issue a fixed penalty notice to the offender. They will also be establishing where the alcohol was purchased and will revert to the licenced premise and licensee responsible for the sale.

We understand that regulations and legislation are always open to interpretation and challenge, but in these extraordinary times with social distancing risks and requirements, it is necessary that pragmatic partnership working will avoid many issues and resolve the few that might arise quickly, provided there is a shared common aim to have safe and compliant premises.

We have worked tirelessly to ensure that Barry Island is a welcoming location for families, and we must ensure that this continues, both now and in the future.

Whilst these are unprecedented times for everybody, we must work together to ensure that Barry Island's reputation continues to be enhanced year on year. To achieve this requires all of us to ensure that responsible alcohol consumption only takes place in locations that are properly licenced and controlled.

Neither we, nor our police partners wish to undertake enforcement action against individuals, licensees or licensed premises, but we will not hesitate to do so, if we continue to witness 'off sales' alcohol being consumed in the public spaces on Barry Island.

We look forward to your cooperation.

Yours faithfully

A handwritten signature in black ink that reads "Neil Moore".

Neil Moore
LEADER OF THE COUNCIL

A handwritten signature in blue ink that reads "DR Thomas".

Robert Thomas
MANAGING DIRECTOR

Encl.