

COMMITTEE: THE COUNCIL  
DATE: 16 DECEMBER 2010  
TITLE: REVIEW OF LICENSING POLICY  
PURPOSE: FOR DECISION  
AUTHOR: HEAD OF REGULATORY DEPARTMENT  
PORTFOLIO LEADER: COUNCILLOR J R JONES

## **1. BACKGROUND**

- 1.1 In accordance with the 2003 Licensing Act it is a requirement that the Council reviews the Licensing Policy at least every 3 years. The Policy was initially adopted by the Council in its meeting of 16 December, 2004 and it was further adopted in its meeting of 13 December, 2007.

## **2. CONSULTATION**

- 2.1 Consultation occurred on the Policy by sending it to every Councillor and every Community Council, as well as every Agency and relevant public body, namely North Wales Police, North Wales Fire and Rescue Service and Snowdonia National Park Authority. In addition, consultation occurred with the Planning, Environmental Health (Environment), Health and Safety (Food and Health and Safety Section), Trading Standards, Education (Welfare) and Social Services (Children Services) sections within the Council. Consultation occurred with them in September, requesting responses by 15 November, 2010, so that we could report to the Licensing Committee which was scheduled for 22 November, 2010. Unfortunately, for this purpose, the date for this meeting was changed to 22 October, 2010, with the result that the Licensing Committee at that time considered the Policy, without being able to consider any responses to the consultation.
- 2.2 The Policy was approved by the Licensing Committee on 22 October, 2010, by authorising the Licensing Manager, in consultation with the Chairman of the Committee, to amend the Policy should this be required. One response was received by a Councillor and the comments are incorporated in para 5.10 as well as one Community Council, who expressed their satisfaction with the Policy. Other than that the only comments received concerned minor alternations such as addresses or corrections relating to the correct names of Acts or new Regulations.

## **3. ALTERNATIONS FROM 2007 POLICY**

- 3.1 Fundamentally, there are no major changes from the Policy adopted in 2007. Noted below are the changes, which have been added to the Policy.

### Section 1.5 Relevant Acts

- Under the Commission on Human Rights which operates under the Human Rights Act 1988, responsibility is placed on public bodies to protect the rights of the individual in various circumstances.
- Crime and Security Act 2010 and Schedule 7 Policing and Crime Act 2009.
- European Service Directive – which came into force in December 2009
- Smoke Free Premises 2007

NOTES:- when the law already places statutory obligations on applicants, the Council will not impose the same or similar duties by way of condition on the premises licence, holder or club.

#### Section 4.8 Public Protection

- Organisers of large scale events where licenseable activities are to take place are advised to contact the Gwynedd Safety Advisory Group at the initial planning stages for the event.

#### Section 5.10 Prevention of Public Nuisance

- The Street Scene Unit is responsible for managing street cleanliness and under section 93 of the Environmental Protection Act 1990 the section has powers to prosecute any premises where evidence of untidiness exists, such as food refuse or cigarettes near the property, as long as it can be shown that the rubbish emanates from the premise.

#### Section 10.4

The Crime and Security Act 2010 amends the 2003 Licensing Act to permit local authorities to make orders restricting the sale of alcohol in the early hours of the morning by over-riding any premises licence, club certificates or temporary events notice which permits the sale of alcohol between 03:00 and 06:00.

#### Section 11.5 -

Changes to reflect the additional mandatory conditions which came into force in April and October 2010.

#### Section 11.12

Section 33 – Policing and Crime Act 2009. The changes in this section permits any elected member of the Council to act as interested parties, with the right to make representation or ask for a review of any licence. This extends the powers which originally existed under the Act, where only those who lived in the vicinity of the premises or responsible authorities previously had such powers.

#### Section 11.13

Provisions of Services Regulations 2009. This relates to the European Service Directive which enables individuals from across Europe to apply electronically for numerous Council services. This section reflects changes in the ways applications for a licence can be made. It is now possible to submit an application electronically.

- 3.2 In addition to the above changes, minor amendments such as phone numbers and addresses of those bodies who have to be consulted when making an application have also been made.

#### **4. FUTURE ALTERATIONS**

- 4.1 In noting that possible changes face everyone in the public sector over the next few years, I ask for delegated powers from the Council to alter information such as addresses and phone numbers of any services or outside authority noted in the Policy.

#### **5. RECOMMENDATIONS**

- 5.1 That the Council adopts the new Policy to incorporate the changes noted above.