

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Tuesday, 7 December 2021
<b>Report Subject</b>	Licensing Act 2003 Draft Statement of Licensing Policy December 2021 – December 2026
<b>Report Author</b>	Chief Officer (Planning, Environment & Economy)

**EXECUTIVE SUMMARY**

To request that Members consider and adopt the Statement of Licensing Policy required by the Licensing Act 2003.

**RECOMMENDATIONS**

1	That Members consider and adopt the Draft Statement of Licensing Policy, which will span a five year period up until December 2026.
2	That any decision to make changes to the policy during the five year term is delegated to the Licensing Committee.

## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE POLICY REVIEW</b>		
1.01	Local Authorities are required, under the Licensing Act 2003, to review their statement of Licensing Policy every 5 years. Although the requirements of the current policy remain in place until the new version is adopted, the delay in producing the document sooner has been due to the global pandemic. Since March 2020 the Licensing Section have been an integral part of the Council's frontline approach to COVID-19 enforcement activities.		
1.02	This is the fifth Statement of Licensing Policy to be issued, and outlines the expectation of the Licensing Authority in relation to applicants, and details what applicants and service users may expect from the Licensing Authority.		
1.03	Officers have undertaken a review of the current policy, taking into account any relevant changes in legislation, guidance and good practice.		
1.04	The review was undertaken in partnership with other North Wales Local Authorities, as part of an ongoing effort to achieve consistency, where possible, across the region.		
1.05	The proposed Draft Statement of Licensing Policy for the period December 2021 – December 2026 is shown at Appendix A in both Welsh and English. The final draft shows the changes made by Officers prior to consultation in red, and the changes made following consultation in blue.		
1.06	Summary of changes made to the policy prior to consultation:		
	Section	Paragraph	Detail
	3.0	Introduction	Changes to the introduction wording
	3.0	3.4	New section relating to the control of drugs
	3.0	3.8	Note in relation to industry partnership schemes
	3.0	3.43	Note on engagement with Public Health
	16.0	16.1	Note on the Wellbeing of Future Generations Act
	Appendix D	Immigration Act	Note the responsibilities under the immigration Act
1.07	The consultation process is detailed in section 3.0 below.		
1.08	Two responses were received in respect of the consultation, from a representative of Public Health Wales, and a representative for Premises Licence Holders. The details of the consultation responses and the Licensing Authority's consideration of those responses is shown at Appendix B.		

1.09	The Licensing Committee have undertaken a thorough review of the changes to the Licensing Policy and the consultation responses, which took place at a meeting of the Committee on 6 <sup>th</sup> October 2021. Members accepted all of the changes, and approved the Draft Statement of Licensing Policy in preparation for final approval by Flintshire County Council.
------	--

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The policy will replace the existing policy, and as preparation of the document and consultation have already been carried out, it is not thought that there would be further resource implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	<p>Before determining the policy, the Licensing Authority is required to consult with the following:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police for the Licensing Authority's area;</li> <li>• The Fire and Rescue Authority for that area</li> <li>• Such persons as the Licensing Authority considers to be representative of holders of:- <ul style="list-style-type: none"> <li>❖ Premises Licenses</li> <li>❖ Club Premises Certificates;</li> <li>❖ Personal Licenses issued by that Authority;</li> </ul> </li> <li>• Such other persons as the Licensing Authority considers to be representative of business and residents in the area.</li> </ul>
3.02	The consultation opened on 18th August 2021 until 30th September 2021.
3.03	<p>The Licensing Authority consulted with:</p> <ul style="list-style-type: none"> <li>• All responsible authorities (including Police and Fire Service)</li> <li>• Representatives of holders of premises licenses, club premises certificates and personal licence holders</li> <li>• All County Councillors</li> <li>• All Community Councils</li> </ul>
3.04	Details of the consultation were published on Flintshire County Council's website, and a notice was placed in reception at County Hall, Mold.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None in respect of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Draft Statement of Licensing Policy 2021 – 2026 English Draft Statement of Licensing Policy 2021 – 2026 Cymraeg Appendix B – Summary of consultation responses

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Gemma Potter. Team Manager: Licensing & Pest Control <b>Telephone:</b> 01352 703371 <b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Statement of Licensing Policy:</b> a document the Licensing Authority are required to produce every five years to outline the Council's expectations in relation to Licensing.</p> <p><b>Licensing Authority:</b> Flintshire County Council's Licensing Team, responsible for key decisions in relation to Licensing.</p> <p><b>Personal Licence:</b> Allows a person to sell or authorise the sale of alcohol under the authority of a Premises Licence.</p> <p><b>Premises Licence:</b> a licence to allow for regulated licensable activity to take place on premises such as public houses.</p> <p><b>Club Premises Certificate:</b> a licence for regulated licensable activity in a Club i.e. Private Members Club.</p> <p><b>Responsible Authorities:</b> Bodies to whom the Licensing Act 2003 delegates a licensing role.</p>