

TO: Members of the Licensing Committee

Your Ref /
Eich Cyf

Our Ref / Ein CO
Cyf

Date / Dyddiad 06/11/2008

Ask for / Mike Thomas
Gofynner am

Direct Dial / 01352 702324
Rhif Union

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **LICENSING COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **MONDAY, 12 NOVEMBER 2007** at **09:30** to consider the following items.

Yours faithfully



Assistant Director (Democratic Services)

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST(INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 22/10/2007 (copy enclosed).
4. **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2008 - 2011**
Report of Acting Director of Environment & Regeneration enclosed

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **LICENSING COMMITTEE**
DATE : **12 NOVEMBER 2007**
REPORT BY: **ACTING DIRECTOR OF ENVIRONMENT & REGENERATION**
SUBJECT : **LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**
 2008 - 2011

1.00 PURPOSE OF REPORT

1.01 To request that Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from January 2008 for a three year period.

2.00 BACKGROUND

2.01 Section 5 of the Act requires the Licensing Authority, every three years, to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

2.02 The next period will begin on 1st January 2008.

2.03 The Licensing Authority undertook a consultation process between June and September 2007 to invite observations or comments about the policy after its first three year period of operation from 2004 to 2007.

2.04 Those consulted included Responsible Authorities, Ward Councillors, Town and Community Councils, licensed premises, pub companies, licensing solicitors, Assembly Members and Members of Parliament. Details of the review were also placed on the Council's website.

3.00 CONSIDERATIONS

3.01 Seven responses were received following the consultation process. A table detailing the respondents and summarising their comments is shown in the Appendix. The Authority's appraisal and response to the comments are also shown.

3.02 In addition to the above, Officers suggest that the Policy should include paragraphs on two particular issues.

3.03 The first is that Flintshire's policy should be that a Designated Premises Supervisor (DPS) should be responsible for only one licensed premises at a time. It is felt that effective supervision is compromised if a DPS holds this

position in a number of premises at the same time. Trading circumstances sometimes make this situation inevitable but in those cases a maximum time period of 2 months as the DPS of more than one premises is suggested, unless specific agreement has been made with the Police and Licensing Authority. Furthermore, if a person is a DPS in more than one premises, the person in charge of the other premises should be the holder of a Personal Licence.

3.04 Secondly, the advent of the Smoke-free Premises etc. (Wales) Regulations 2007 has significantly changed the way in which licensed premises operate. It is now commonplace for patrons to congregate outside licensed premises as they are no longer permitted to smoke inside. This has led to an increase in noise and disturbance issues and concerns about additional litter. It is felt that the Policy should remind those in charge of premises that it is their responsibility to adequately supervise their customers both inside and outside their premises so as to promote the prevention of public nuisance licensing objective, and to ensure that smoking related litter does not accumulate.

.3.05 Minor administrative changes to update the document may also be necessary.

4.00 RECOMMENDATIONS

4.01 That Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from 1st January 2008 for a three year period.

5.00 FINANCIAL IMPLICATIONS

5.01 None in respect of this report

6.00 ANTI POVERTY IMPACT

6.01 Not applicable

7.00 ENVIRONMENTAL IMPACT

7.01 The prevention of public nuisance is one of the licensing objectives

8.00 EQUALITIES IMPACT

8.01 Not applicable

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 Yes

11.00 CONSULTATION UNDERTAKEN

11.01 As detailed above in body of report and appendix

12.00 APPENDICES

Please see attached

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Licensing Act 2003 and associated Regulations
Department of Culture Media and Sport Guidance issued under Section 182
Flintshire County Council existing Statement of Licensing Policy

Contact Officer: Michael Lovatt
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Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
01	David Hanson MP	Acknowledgement and contents noted	None	No further action
02	North Wales Police	Happy with the content of the policy as it is.	Noted	No further action
03	Queensferry Community Council	Community Council should be able to make observations to the Licensing Committee	Applications for licences must be made in accordance with the Regulations. These state that applications must be sent to the Responsible Authorities. Town and Community Councils are not Responsible Authorities. It would be unlawful to involve them because their representations could not be accepted. Town and Community Councils can act as a body representing persons living in the vicinity if nominated in writing by that person.	No further action
		Licensees should be members of Pub Watch / Off Watch Schemes	Already included in policy	No further action
04	Connah's Quay Town Council	Under the Licensing Act 1964 the Town Council was notified of any changes or variations. The 2003 Act has changed this. The Town Council feels that it should still be consulted directly.	Applications for licences must be made in accordance with the Regulations. These state that applications must be sent to the Responsible Authorities. Town and Community Councils are not Responsible Authorities. It would be unlawful to involve them because their representations could not be accepted. Town and Community Councils can act as a body representing persons living in the vicinity if nominated in writing by that person.	No further action

Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
05	British Beer and Pub Association	General letter addressed to all Licensing Authorities. Lists examples of policy items that go beyond the provisions of the Act.	None of the matters of concern listed are found in Flintshire's policy.	No further action.
06	Punch Taverns Ltd.	Have considered the policy and have no comments to make.	Noted	No further action
07	Children's Safeguarding Manager – Flintshire County Council	<p>Copy of a report to the Local Safeguarding Children Board (Executive).</p> <p>(1) The copy of the application, with plan, is not sufficient information to enable appropriate comments.</p> <p>(2) The current system is fractured. Not aware of concerns of other Responsible Authorities.</p> <p>(3) Licensing Dept. does not send applications to the area in which the applicant lives.</p> <p>(4) Where the applicant is a Company, cannot check for any relevant information on Children's Services system.</p>	<p>The Act requires that the Applicant sends a copy to all the Responsible Authorities including Children's Services.</p> <p>There is provision for free flow of information between all Responsible Authorities should they choose to engage in it.</p> <p>The Act does not require this and the Dept. does not have the resources to do it.</p> <p>Advise checking with Companies House for details of directors etc.</p>	<p>No further action</p> <p>No further action</p> <p>No further action</p> <p>No further action</p>

Ref. No.	Name of Respondent	Summary of Respondents' Comments	Authority's Appraisal	Authority's Response
		<p>(5) Not provided with information on whether concerns have been raised in relation to a premises.</p> <p>(6) Licensing Dept. does not require a response from Children's Services. No checks that copy of the application has been received, perused and endorsed.</p>	<p>If concerns were identified by the Licensing Authority or Police then liaison with Children's Services would take place.</p> <p>It is the applicant's responsibility to send a copy to each Responsible Authority. Whether that Responsible Authority responds is a matter for them</p>	<p>No further action</p> <p>The Licensing Authority receives a weekly e-mail from the Police listing the applications they have received in order to cross check. This e-mail can be forwarded to Children's Services for the same purpose.</p>