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CEREDIGION COUNTY COUNCIL

Report to: Licensing Committee (Statutory Committee)

Date of meeting: 16 March 2023

Title: General Update

Purpose of the report: For information

Background

Members will be aware that this meeting is convened to review and discuss the implementation and progress of the Licensing Act 2003, together with any ancillary matters arising from responsibilities with which this particular Committee is charged. Such ancillary matters include the Gambling Act 2005.

Licensing Act 2003 Associated Matters

Contested Applications (Reviews/Appeals)

Since the last Licensing Committee, there has been three Licensing sub-committee hearings held - see **Appendix A**.

Licensing SAVI (Security and Vulnerability Initiative)

Presentation by Gareth Rees – Senior Licensing Officer

Licensing SAVI is a Police-owned not for profit organisation. It was developed following a request by the Home Office. It has developed a self-assessment tool designed to help the owners and operators of licensed premises provide a safe and secure environment for their managers, staff, customers and local communities. It does this by providing personalised advice and recommendations, many of which will assist businesses in working closely with Responsible Authorities and comply with the Licensing Act 2003, promoting its four Licensing Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

There will be no financial cost to the Authority and the Licensing Service has agreed to work in partnership with Dyfed-Powys Police licensing colleagues to support the scheme locally.

Once a business signs up to the scheme and inputs their business model, opening times, licensable activities etc they will receive bespoke advice and their assessment will be tailored to their particular business model.

The resources available to them will include:

- Counter Terrorism security advice for licensed premises.
- Premises female safe action plan.
- Spiking advice for venues and customers.
- Age verification policies.
- Child Sexual Exploitation policies.
- Dispersal policies.
- Drugs policies.
- Crime scene preservation guides.

One of the key factors that differentiates Licensing SAVI is that it has been devised and developed by the Police Service via Police Crime Prevention Initiatives (PCPI), who work closely with Local Authorities throughout the UK to reduce crime and the fear of crime. As such, Licensing SAVI is uniquely placed to deliver a joined-up and consistent approach to creating safe and secure licensed premises across England and Wales.

The benefits of using Licensing SAVI are:

- It will provide businesses with the latest advice and risk assessments for operating and communicable diseases.
- It will provide information on effective management practices and operational security
- It will demonstrate compliance with Licensing Act 2003
- It will help prioritise improvements, build upon areas of existing good practice and ensure highest levels of safety and security are achieved.
- Help businesses prioritise improvements, build on good practice and further raise safety and security standards
- Businesses will be able to apply for Accreditation and Licensing SAVI award, which can be used to promote the safety of businesses.

Successful business will be able to display the Licensing SAVI award in a similar fashion to the food rating scheme (the top award achievable is 5 stars). Accreditation will last for 12 months after which it will have to be re-applied for.

Revised Guidance issued under section 182 of Licensing Act 2003

The Home Office issued the latest version of the Revised Guidance issued under section 182 of the Licensing Act 2003. It is a revision to the 2018 guidance and not a major overhaul of it. Like previous versions of the guidance, it took effect as soon as it was published, but does not have retrospective effect, so applications made on or after 20 December 2022 are subject to the 2022 guidance and those made before that date remain subject to the 2018 version.

The Licensing Act 2003, section 4 provides that, in carrying out its functions, a licensing authority must “have regard to” guidance issued by the Secretary of State under section 182 guidance. To this effect, the guidance is binding on all Licensing Authorities.

On this occasion, as the changes are very minor, licensing authorities need only note these minor revisions to the guidance.

The key changes from the April 2018 version include:

- In terms of right to work and entitlement, the revised guidance substantially changed
- Lessening the burden on persons operating an alcohol delivery service to suggest they “*may* consider contacting their licensing authority” (previously said *should*)” under paragraph 3.10
- Add a new section on “Closure Notices” at paragraph 4.83
- Clarifying that Home Office Immigration Enforcement is not responsible for Clubs (para 6.11)
- Updates to TEN statutory limits (para 7.15) – increasing limit from 15 -20 for 2022 and 2023.
- Clarifying that there is no right of appeal in respect of late TEN’s following objection by the Police or Environmental Health Officer’s (para 7.34)
- Clarifying that full variations should not be used to “vary **Substantially** the premises to which the licence relates” at paragraph 8.76
- Paragraph 10.5 added clarifying that operating schedules should be converted to conditions which must be “appropriate and proportionate for the promotion of the licensing objectives”
- Inclusion of the “Agent of Change” principle in 14.66
- Removal of “Annex A – documents which demonstrate entitlement to work in the UK”

Section 4 of the Licensing Act 2003 provides that, in carrying out its functions, a licensing authority must ‘have regard to’ the s.182 guidance and it is therefore binding on all licensing authorities to that extent. The revised s182 guidance is currently available at: [Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_(December_2022)_accessible.pdf)

Consultation – Extension of licensing hours King Charles coronation

The Government has launched a consultation on whether to relax licensing hours across England and Wales to mark the His Majesty the King’s coronation on 6 May 2023. It proposes to make a licensing hours order under section 172 of the Licensing Act 2003, which would extend the opening hours from 11pm to 1am on Friday May 5, Saturday 6 May and Sunday 7 May, for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

The proposed extension would be for the sale of alcohol for consumption on the premises only and the provision of late-night refreshment in on-trade premises.

The government considers that any national relaxation of licensing hours should not apply to the sale of alcohol for consumption off the premises (i.e. in Supermarkets and Off licences).

The purpose of any national relaxation of licensing hours to mark His Majesty's coronation would be to enable pubs and other on-trade premises to sell alcohol and late-night refreshments to those wishing to extend their celebrations of His Majesty The King's Coronation beyond their normal licensing hours over the extended bank holiday period.

Licensing Annual Performance - General Report

During the period 01/02/2022 – 31/01/2023 the Licensing Team has continued to receive and process a large number of licensing applications, renewals and transfers and amendments to licences. The team also received service requests from a range of service users seeking advice and guidance as well as complaints that required further investigation involving a wide variety of licensing matters that fall within their scope of responsibility.

In addition, the team receives and processes many Freedom of Information requests (FOI's), which often requires time to gather the relevant information in order to provide a response within the legal time frames. A summary of the number of Licensing Act 2003 and Gambling Act 2005 licence applications and recorded enquiries is contained in the following table.

Types of Licences Issued: Licensing Act 2003	No.
New Premises Licence Applications	23
Renewal of Premises Licence	355
Full Variation of Premises Licence	3
Minor Variations	2
Transfer of Premises Licence	2
Temporary Event Notices	277
Personal Licences (New)	51
Personal Licence change of details	18
Reviews	0
Vary DPS	22
	753

Types of Licences Issued: Gambling Act 2005	No.
New Gambling Premises	2
Gambling Act Renewals	14
Occasional Use Notices	7
Registered Lotteries	78
2 Machine Exemption Count	3
	104

Information on the other types of licences that the team has received and processed during the past months e.g. taxis, animal licensing, etc., is contained in the report for the Licensing Committee (Non-Statutory Committee).

Recommendation(s):	Members receive this report for information.
Reason for recommendation	To advise elected Members of activity undertaken by the Licensing Section since the last Committee meeting and other relevant information.
Policy Framework:	The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework.
Corporate Objectives	Boosting the Economy, Supporting Businesses and Enabling Employment
Finance and procurement implications:	Within budget
Service Area	Policy, Performance and Public Protection
Statutory Powers:	Licensing Act 2003, Gambling Act 2005 and any Regulations made under the Acts.
Background Papers	None
Corporate Lead Officer:	Alun Williams (Policy & Performance)
Reporting Officer:	Anne-Louise Davies (Trading Standards & Licensing Manager) & Gareth Rees (Senior Licensing Officer)
Date:	22 February 2023

Appendix A – Contested Applications (reviews/Appeals)

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Premises: Gingero's Coastal Coffee, Glyn Square, Church Street, New Quay, SA45 9NZ	Date of Review: 18/11/2022
Reason for Review: New Premises Licence. The application was received by the Authority on the 15 th August 2022 for a new premises licence authorising the following activities: <ul style="list-style-type: none">• The Sale and supply of alcohol – Off sales – 10:00 – 20:00 daily• Playing recorded music 08:00 – 20:00	
Consultation: On the 22 nd August 2022, an objector submitted an objection to the application. This was rejected by the Authority as it was not relevant to the 4 licensing objectives. On the 12 th September, the objector submitted an amended objection based on the grounds of public nuisance and also pointed out inconsistencies between the hours advertised on the Ceredigion Public Notice and the Notice submitted to the newspaper. The applicant removed the requirement for the playing of recorded music in an amended application. The consultation deadline was extended due to the failure to comply with the statutory advertising of the application notice. The deadline for receipt of representations ended at mid-night on the 21 st October. On 21 st October, following the re-publication of the application, the objector submitted a revised objection and asked to include the points raised in the previous objection.	
Mediation: Several unsuccessful attempts were made to mediate between both parties. The Authority asked the objector if there were any measures, they could ask the applicant to consider in order to mitigate the concerns that had been raised. None were submitted. No objections were received from the responsible authorities.	
Determination / Outcome of Review: A licensing sub-committee considered the application 18th November 2022. The applicant, and the person who made the representation were in attendance. Having considered the application, the Panel unanimously agreed that the granting of the licence would not adversely affect the licensing objectives and in particular not cause or contribute to public nuisance. As such the application was granted as applied for with no conditions.	

Premises: The Albion Aberteifi, Teifi Wharf, Bridge Warehouse, Cardigan SA43 3AA

Date of Review: 7/10/2022

Reason for Review: New Premises Licence

The application for a premises licence was received by the Authority on the 15th August 2022.

Licensable activities applied for were:

Late Night refreshment

Monday - Sunday 23:00 - 01:00

Supply of Alcohol

Monday - Saturday 08:00 - 00:00 & Sunday 10:00 - 00:00

Films

Monday - Sunday 10:00 - 00:00

Regulated Entertainment

Monday - Sunday 10:00 - 23:00

The Applicant wished to have alcohol available between hours exclusively to resident guests for consumption at the premises and the option to open the indoor licensed area later on New Year's Eve and other national / bank holidays, local community or cultural events such as Other Voices, River and Food Festival and similar, and for occasional special celebrations for resident guests (e.g. a corporate client or family group hiring out the whole hotel) with last orders at 02:00 and drinking up until 03:00.

Consultation: The deadline for receipt of representations ended at midnight on the 12th September 2022. During the 28-day consultation period, 1 objection was received

Mediation: The applicants offered multiple ways of addressing concerns but mediation was unsuccessful. All representations remained and none were withdrawn prior to the Hearing.

Determination / Outcome of Review: A Licensing Sub-Committee heard and considered the application on the 7 October 2022. The Panel noted the contents of the information supplied by the Applicant within the original bundle and supplementary documentation and the contents of the representations made by the Applicant and the one objector, who didn't attend the hearing. After consideration, the Panel granted the Application subject to the following conditions: -

- That the outside area is not used after midnight on any night of the year, people drinking in the outside area must be asked to move indoors at midnight.
- On the occasions that they will be keeping the bar open until 3am, serving alcohol until 2am, they must notify the Licensing Authority in advance. The authority may then contact the police if they think they need to notify them of the event.

Premises: Jitterbugs, Glyn Square, New Quay, Ceredigion	Date of Review: 28/10/2022
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Reason for Review:

The application was received by the Authority on the 9th August 2022.

Licensable activities applied for were as follows:

The daily sale Selling of alcohol 10:00 to 24:00 - The premises would remain open an additional 30mins each day to allow customers to leave safely this would also ensure a staggered exit. All activities would cease 30mins before the end of the opening hours on the premises.

Playing of live music outside 12:00 to 20:00

Playing of live music inside 12:00 to 23:00

Playing of recorded music outside 12:00 until 2200

Playing of recorded music inside 08:00 to 00:00

Plus, NON-STANDARD TIMINGS

Consultation: The consultation period ended at Midnight on the 6th October 2022 by which time 2 objections had received from members of the public.

Mediation: Copies of the objections were forwarded to the Applicant for consideration. In response, the applicants proposed the removal of outdoor live music and submitted a sound management policy, a staff list including qualifications and experience, and their Premises management policy. These were forwarded to the objectors who did not withdraw the objection.

Determination / Outcome of Review: A Licensing Sub-Committee heard and considered the application on the 28 October 2022. The Licensing Panel considered the application on its merits and the options available to it under the Licensing Act 2003. The Panel noted the contents of the information supplied by the Applicant within the original bundle and supplementary documentation and the contents of the representations made by the Applicant and the two objectors.

The decision was made to grant the application subject to the following conditions:-

- The serving of alcohol and playing of any music ceases at 11pm every night of the year, and no additional hour will be permitted on bank holidays or Christmas Eve as it would breach the planning permission.
- The applicants could apply for a variation of the premises license if they can apply for the planning permission restriction to be removed or varied to midnight.
- On the occasions that they anticipate busy nights for special events, etc, the applicant will complete a risk assessment to see if security staff are needed on the door.
- Also prior notification to the Licensing department of any of the special events by the applicant. The Licensing department can then consult with the police if needed.

The above conditions were to be placed on the licence as a means of preventing public nuisance.