
MEETING: MANAGEMENT BOARD
EXECUTIVE
COUNCIL

DATE: 12th November 2007
28th November 2007
12th December 2007

SUBJECT: LICENSING ACT 2003 – TRIENNIAL POLICY REVIEW

REPORT FROM: EXECUTIVE MEMBER FOR ENVIRONMENT AND
TRANSPORT

CONTACT OFFICER: W A JOHNSON

TYPE OF DECISION: COUNCIL

**FREEDOM OF INFORMATION/
STATUS:** This paper is within the public domain

SUMMARY:

The Licensing Act 2003 requires the Local Authority as Licensing Authority to prepare and publish a Licensing Policy at least every three years. The existing policy was agreed by Council 3rd November 2004, with an effective date of the 7th January 2005.

The report is in the forward plan for Executive on the 28th November 2007 and Council on the 12th December 2007.

OPTIONS AND RECOMMENDED OPTION (with reasons):

The policy as presented can be accepted, amended or rejected but to comply with the statute a revised policy has to be agreed by Council by the 7th January 2008.

It is recommended that the policy be accepted without major amendment. Wide spread consultation has not revealed any major problems with the existing policy.

IMPLICATIONS –

Corporate Aims/Policy Framework: Do the proposals accord with the Policy Framework? Yes No

Financial Implications and Risk Considerations If the Authority does not have a revised policy in place by the 7th January 2008 it will be unable to fulfil its duties under the Act.

Statement by Director of Finance and E-Government: The revenue budget includes provision for expenditure and income associated with the licensing activities covered by the policy. The proposed changes to the policy are not anticipated to result in any significant change to resource requirements.

Equality/Diversity implications The policy will affect all sections of the community equally. EIA completed.
Yes No (see paragraph below)

Considered by Monitoring Officer: Yes
Are there any legal implications? Yes No (see paragraph)
The Council must comply with the Licensing Act 2003 and statutory guidance which require the Council to have a licensing policy and to carry out a review of this.

Staffing/ICT/Property: None as this policy will simply replace the existing

Wards Affected: All equally

Scrutiny Interest: Economy, Environment and Transport

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
12/11/07			
Scrutiny Commission	Executive	Committee	Council
	28/11/07		12/12/07

- 1.1 The Licensing Act 2003 regulates the sale and supply of alcohol, the provision of regulated entertainments and the provision of late night (hot) refreshments.
- 1.2 The Act requires the Local Authority as Licensing Authority in respect of each three year period to determine and publish it's policy with respect to exercising its licensing functions.
- 1.3 The existing policy was agreed by Council on the 3rd November 2004 and took effect from the statutory deadline of 7th January 2005. To comply with the statutory three year review period the outcome of the review must be agreed before the 7th January 2008.
- 1.4 The Act is based on four defined licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance and
 - The protection of children from harm

These are the only objectives that can be considered for licensing purposes.

2.0 ISSUES

- 2.1 In preparing the policy the Authority has to have regard to the Secretary of State's Guidance issued under Section 182 of the Act. This guidance is relevant to the preparation of policy and is quite prescriptive in many areas.
- 2.2 A copy of the existing policy with the proposed changes highlighted is attached as Appendix 1.
- 2.3 An equality impact assessment has been completed and the impact is regarded as generally neutral within the terms of the objectives except for a positive impact as regards the protection of children from harm.

3.0 CONSULTATION

- 3.1 The consultation has been in accordance with Cabinet Office guidelines which require a twelve week period for public consultation.
- 3.2 The Act requires consultation with a number of statutorily defined consultees, these being:

The Chief Officer of Police;
The Fire Authority;
Persons/bodies representative of local holders of premises licences;
Persons/bodies representative of local club premises certificates;
Persons/bodies representative of local holders of personal licence holders and;
Persons/bodies representative of businesses and residents in it's area.

- 3.3 Additionally all responsible authorities defined within the Act, have been included in the consultation. A full list of consultees is attached as Appendix 2.

The consultation has also been made available via the Council web site.

- 3.4 The feedback is attached as Appendix 3.

4.0 CONCLUSION

- 4.1 The policy has been in existence for three years and to date has not been challenged formally or informally.
 - 4.2 Feedback from consultees has been minimal.
 - 4.3 The policy can be reviewed at any time during the three year cycles to take account of emerging issues.
 - 4.4 The policy will need to be agreed by Council at the meeting of the 12th December if a special Council Meeting is to be avoided.
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List of Background Papers:-

Appendix 1 Copy of existing policy (with proposed amendments highlighted)



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Appendix 2 List of Consultees



Non-Statutory
Consultees 2007 ...



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Appendix 3 Consultation feedback



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