

# REPORT FOR DECISION

**MEETING:** LICENSING & SAFETY PANEL  
COUNCIL

**DATE:** 9<sup>TH</sup> DECEMBER 2010

**SUBJECT:** LICENSING ACT 2003 – TRIENNIAL REVIEW OF  
STATEMENT OF LICENSING POLICY

**REPORT FROM:** ASSISTANT DIRECTOR (PLANNING,  
ENVIRONMENTAL AND REGULATORY SERVICES)

**CONTACT OFFICER:** MR M BRIDGE/WA JOHNSON

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**TYPE OF DECISION:** COUNCIL

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

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**SUMMARY:** The Licensing Act 2003 requires the Local Authority as Licensing Authority to prepare and publish a statement of licensing policy [policy] at least every three years. The existing policy was agreed by Council on 12<sup>th</sup> December 2007 with an effective date of the 7<sup>th</sup> January 2008.

**OPTIONS &  
RECOMMENDED OPTION** 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 7<sup>th</sup> January 2011.

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

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**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 7<sup>th</sup> January 2011 it will be unable to fulfil it's 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 this policy. The proposed changes to the policy are not anticipated to result in any significant change to resource requirements.

**Equality/Diversity implications:**

Yes       No  The policy will affect all sections of the community equally. EIA completed.

**Considered by Monitoring Officer:**

Yes       Comments

**Are there any legal implications?**

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

**Wards Affected:**

All Equally

**Scrutiny Interest:**

Internal Scrutiny Committee

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**1.0 BACKGROUND**

- 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) refreshment.
- 1.2 The Act requires the Local Authority as Licensing Authority, to carry out a review of it's Statement of Licensing Policy every 3 years and to publish the result.
- 1.3 The existing Statement of Licensing Policy was agreed by Council on the 12<sup>th</sup> December 2007 and took effect from the statutory deadline of the 7<sup>th</sup> January 2011. To comply with the statutory three year review period, the outcome of the review must be agreed before the 7<sup>th</sup> January 2011.

1.4 The Act stipulates four defined licensing objectives, namely:

- The prevention of crime or disorder
- Public safety
- The prevention of public nuisance
- 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, a Licensing Authority must have regard to the Secretary of State's Guidance issued under Section 182 of the Act. This guidance is quite prescriptive in a number of areas.

2.2 A copy of the revised Statement of Licensing Policy is attached at Appendix 1.

2.3 An equality impact assessment has been carried out 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 carried out in accordance with Cabinet Office guidelines which recommend a twelve week consultation period.

3.2 The Act requires consultation with a number of consultees defined in statute legislation as follows:

- The Chief Officer of Police;
- The Fire & Rescue Service;
- 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;
- Persons/bodies representative of businesses and residents in it's area.

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

3.3 The consultation has also been published on the Council website.

3.4 The feedback is attached as Appendix 3.

## **4.0 CONCLUSION**

- 4.1 The current 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 cycle to take account of emerging issues.
- 4.4 The policy will need to be agreed by Council at the meeting on the 15<sup>th</sup> December 2010 if a special Council Meeting is to be avoided.

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**List of Background Papers:-**

Application Forms

**Contact Details:-**

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