



REPORT TO: Full Council

29 November 2018

LEAD OFFICER: Health & Environmental Services Business & Licensing Manager

REVIEW OF THE STATEMENT OF LICENSING (2003 ACT) POLICY

Purpose

1. To seek approval of the Draft Statement of Licensing (2003 Act) Policy, as attached at **APPENDIX A** following a 12 week consultation process and recommended by the Licensing Committee as South Cambridgeshire's formal Statement of Licensing Policy and in line with the requirements of S.5 of the Licensing Act 2003.
2. This is a key decision because it:
 - is likely to be significant in terms of its effects on communities living or working in all wards of the District
 - raises new issues of policy
 - is significant to the locality, the Council and the services which it provides

Recommendations

3. That full Council adopt the revised Licensing Policy statement, attached as **Appendix A**.

Reasons for Recommendations

4. Failure to adopt a revised policy will result in the Council failing in its statutory duties under the Licensing Act 2003.

Background

5. The review of a Statement of Licensing Policy is a requirement under Section.5 of the Licensing Act 2003 and must be undertaken every 5 years. Without a policy the Council may be subject to Judicial review for failing in its responsibility to carry out a statutory duty. In preparing the draft Statement of Licensing Policy, officers have given full regard to both the requirements of the Act itself and the revised guidelines issued in April 2018 by the Home Office.
6. The revised draft policy was published for public consultation in July 2018. Details of the policy were circulated to all Responsible Authorities along with persons or businesses that had been in contact with the Licensing section over the previous year. It was also published on our website and circulated to Parish Councils.

7. 3 formal responses were received. Based on these responses minor changes were recommended to the draft policy, and Members' views were sought.
8. The policy has been reviewed giving full regard to both the requirements of the Act itself and the changes to the guidelines issued by the Home Office in April 2018.
9. The Policy will remain a document that continually develops to reflect the changing nature of the alcohol and entertainments industry, Government initiatives and the needs of local businesses and residents alike.
10. The Licensing Committee approved the revised Licensing Policy statement on 17th October 2018, subject to minor changes. The document has been updated with these amendments and attached as **Appendix A**.

Considerations

11. After being recommended by the Licensing Committee, the Policy is being put before full Council for final approval and adoption. The policy will then form the basis of any decision taken in respect of applications or enforcement under the Licensing Act 2003 by officers or any committee or sub-committee involved in licensing decisions.
 - (a) The Leader will make a recommendation to Council to approve and adopt the policy. The policy will then form the basis of any decision taken in respect of applications or enforcement under the Licensing Act 2003 by officers or any Committee or Sub-committee involved in licensing decisions.
 - (b) The statement of Licensing Policy will be reviewed in full at 5 yearly intervals as required under Section 5 of the Act, unless otherwise stated by Central Government, but will be open to review at any time during that period should it prove necessary to do so.

Options

12. Full Council may approve, amend or reject the draft Statement of Licensing Policy. Full Council to formally adopt a final policy.

Implications

13. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

14. None arising from this report

Legal

15. Failure to adopt a Policy in relation to the Licensing Act 2003 will mean that South Cambridgeshire District Council will fail in its statutory duties as defined in S.5 of the Licensing Act 2003, and may be subsequently subject to Judicial review.

Staffing

16. None arising from this report

Risk Management

17. The consequences of failing to implement the new licensing regime could be extensive and could result in adverse publicity, loss of reputation and legal action against the Council.

Equality and Diversity

18. The Council must comply with the Public Sector Equality Duty in the exercise of its functions and have due regards to the needs of persons who share a relevant protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). A full equality impact assessment will be prepared should committee recommend this draft policy to full Council.

Climate Change

19. None arising from this report

Consultation responses

20. As part of the consultation process Officers consulted with a broad range of people including:
- Police
 - Fire Authority
 - Trading Standards
 - Social Services
 - Environmental Health
 - Planning
 - Health & Safety
 - All Premises Licence holders
 - Parish Councils
21. The consultation document was also available for general comment via the Council's website, reception and was publicised at local libraries
22. Should the policy be adopted by full Council then no further consultation will be required before the implementation date of 31st January 2019. After this date the policy will effectively remain under review and should it require alteration, consultation will take place with the relevant persons before any amendments are implemented

Effect on Strategic Aims

Aim 1 – Economic Development – We will be business friendly, with a focus on rural enterprises to create new jobs and opportunities near where people live.

Background Papers

S.182 Guidance issued by Home Office (April 2018)
Licensing Act 2003
South Cambridgeshire Statement of Licensing Policy

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