

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

25 June 2018

AUTHOR/S: Director Health & Environmental Services

REVIEW OF THE LICENSING (2003 ACT) POLICY

Purpose

1. To seek approval of the draft Licensing Policy statement, as attached at **Appendix A** for a 12 week consultation process, as South Cambridgeshire's formal Statement of Licensing Policy and in line with the requirements of S.5 of the Licensing Act 2003.

This is not a key decision.

Recommendations

2. That the Licensing Committee approve the revised draft Licensing Policy statement, attached as **Appendix A** for a public consultation to be undertaken commencing 1st July 2018 for 12 weeks.

Background

3. South Cambridgeshire District Council originally introduced a Statement of Licensing Policy, which became effective on 7 February 2005. The current Policy was reviewed in 2012 and became effective in January 2013. The Policy can remain in place for no more than a five-year period, in accordance with wording under Section.5 of the Licensing Act 2003.
4. The review of a statement of Licensing Policy is a requirement under Section.5 of the Licensing Act 2003 and 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 2017 and any legislative changes.
5. The revised draft policy will be published for public consultation between July 2018 and September 2018. Details of the policy will be circulated to all Responsible Authorities, Parish Councils and all persons or businesses that hold a licence under the Licensing Act 2003. Social media will be used to raise awareness of the consultation and it will also published on our website inviting comments from the public at large.
6. All responses will be collated and fully considered before a final policy document is prepared and presented to the Licensing Committee for recommendation to full council and adoption by no later than 31st January 2019.
7. Once adopted by the Council 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.

8. 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

Considerations

9. The policy has been reviewed giving full regard to both the requirements of the Act itself and the changes to the statutory guidelines issued by the Department of Culture Media and Sports in April 2017 and changes in the SCDC enforcement and inspection policy.
10. In particular the draft policy reflects new legislation introduced since the last review in 2013, namely :-
 - The Immigration Act 2016
 - Police and Crime Act 2017

Options

11. The Licensing Committee may approve, amend or reject the draft Statement of Licensing Policy for consultation purposes, however only full Council may formally adopt a final policy.

Implications

12. 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.

Financial

13. Failure to adopt a policy may lead to a judicial review and associated costs for failing to adhere to a statutory duty.

Legal

14. The Licensing Act 2003 is a statutory duty for Local Authorities to administer.

Staffing

15. No staffing implications arise from this report.

Risk Management

16. A Licensing Policy for the Licensing Act 2003 is a statutory requirement, without a policy the Council may be processing its duties under the Act ultra vires.

Equality and diversity

17. The policy reflects government S.182 guidance in relation to the administration of the Licensing Act 2003.

Consultations

18. 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
 - Elected members
19. The consultation document will also available for general comment via the Council's website and a hard copy will be available at reception or upon request. Social media will also be used to raise awareness of the consultation.
20. 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

21. The recommendations of this report comply with the Council strategic aims in the following ways:-

Aim 1 - Commitment to being a connected community by taking into consideration the views of the community in the development of this policy and any subsequent applications considered under this policy.

Aim 2 - Living Well - Support our Communities to remain in good health whilst protecting the natural and built environment.

Conclusions / Summary

22. Under Section 5 of the Licensing Act 2003, a Licensing Authority must have a Statement of Licensing Policy in place. Any such policy will remain in force for a maximum of three years unless otherwise stated by Central Government.
23. As part of the review process, consultations will be carried out as widely as possible to ensure that the views of a wide range of persons have been considered and reflected as appropriate in any final policy.
24. Failure to adopt a policy may result in a Judicial review for failing to carry out a statutory duty.

Background Papers: the following background papers were used in the preparation of this report:

S.182 Guidance issued by DCMS (April 2018)

Licensing Act 2003

South Cambridgeshire Statement of Licensing Policy

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