

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing & Environmental Services 15 November 2007
Portfolio Holder/ Licensing Committee

AUTHOR/S: Corporate Manager, Health and Environmental Services/ Licensing Officer

STATEMENT OF LICENSING POLICY 2003 ACT

Purpose

1. To seek approval for the adoption of the revised Licensing Policy statement by Cabinet and Council as South Cambridgeshire's formal statement of Licensing Policy in line with requirements 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 an area of the District comprising two or more wards. All wards.
 - It raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework.
 - It is of such significance to a locality, the Council or the services, which it provides that the decision-taker is of the opinion that it should be treated as a key decision.

And it was first published in the July 2007 Forward Plan.

Background

3. The adoption of a statement of Licensing Policy is a requirement 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. The Council adopted its first policy in February 2005 in which it was stated the policy would be reviewed in accordance with the Act in three years i.e. by January 2008.

Considerations

4. 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 Department of Culture Media and Sports.
5. The revised draft policy was published for public consultation in July 2007. Details of the policy were circulated to over 1000 potential consultees and their views were actively sought. The closing date for comments was the 17 October 2007. Three responses were received (**Appendix A**). Comberton and Willingham Parish Councils indicated that they would like the South Cambridgeshire District Council to notify them of applications in the same way as a Responsible Authority is notified under the Act.
6. Careful consideration has been given to the views submitted and a finalised copy of the Licensing Policy is attached as **Appendix B**, subject to the reasons below it is recommended that the finalised copy of the licensing Policy remains unaltered from the draft circulated.

7. Consideration was given to the specific question raised by parish councils with regard to being notified of any applications. The Government is quite clear that the definition of responsible authorities does not include parish councils who are considered as being interested parties. As interested parties they are able to make representations on the grant, variation or review of a premises licence application in their area. Interested parties are notified of such applications by way of notices posted at the premises and an advert placed in a newspaper that circulates within the vicinity of the premises. It would be impossible for the district council to know who other "interested parties" may be with regard to a premises licence and unfair to notify the parish council and not all interested parties equally. This is in line with the requirements of the Act and guidance issued.
8. After being agreed by Cabinet on the 13th December, the Policy will be put before full Council on the 31st January 2008 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.

Options

9. Members may choose to recommend that the: -
- (a) Policy is adopted in its current form (Appendix B)
 - (b) Policy is not adopted in its current form, or,
 - (c) Policy is adopted with amendments.

Implications

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|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. Financial | None arising from this report |
| Legal | As stated within the report |
| Staffing | None arising from this report |
| Risk Management | Failure to adopt a Licensing Policy may result in South Cambridgeshire District Council being the subject of a Judicial Review for failing to carry out a statutory duty. |
| Equal Opportunities | The Licensing Act complies with the equal opportunities criteria |

Consultations

11. As part of the consultation all responsible authorities were notified including, Police Fire Authority, Planning, SCDC Health and Environmental Services and County Council Social Services. In addition all premises and personal licence holders were notified along with all parish councils. Copies of the draft policy were also circulated via South Cambridgeshire District Council web page and to all libraries within the district.
12. Should the policy be adopted by full Council then no further consultation will be required before the implementation date of 31st January 2008. 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 Annual Priorities and Corporate Objectives

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| 13. | Affordable Homes | Not applicable |
| | Customer Service | Licensing section operates in accordance with council standards |
| | Northstowe and other growth areas | Not applicable |
| | Quality, Accessible Services | The Act allows greater flexibility to premises in how they operate but this is balanced by greater accountabilities. |
| | Village Life | The 4 objectives of the Act are all aimed at the promotion of Village life |
| | Sustainability | The main objectives of the Act have the objective of sustainability at their heart; see comments on Village life and quality, accessible services. |
| | Partnership | Licensing Policy promotes closer working partnerships with organisations including Police and Trading Standards |

Recommendations

14. That the Licensing Committee recommends to the Portfolio Holder for Housing and Environmental Services that Cabinet recommends to full Council that the revised Licensing Policy document, attached as Appendix B be adopted.

Background Papers: the following background papers were used in the preparation of this report: Guidance issued under S.182 of the Licensing Act 2003 (July 2007 version)
Licensing Act 2003
South Cambridgeshire Licensing Policy (2005 version)

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