

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Licensing Committee/Environmental Health Portfolio Holder 6<sup>th</sup> September 2004  
**AUTHOR:** Chief Environmental Health Officer

---

### SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL DRAFT LICENSING POLICY STATEMENT

#### Purpose

1. To seek approval for recommendation of the issuing of the Draft Licensing Policy statement for public consultation in line with the requirements of the Licensing Act 2003.

#### Effect on Corporate Objectives

2.

Sustainability	The main objectives of the Act have the objective of sustainability at their heart, see comments on village life and quality, accessible services
Quality, Accessible services	Premises will be permitted more flexibility in how they operate, but this will be balanced by greater accountabilities
Village Life	The objectives of the Act are all aimed at the promotion of Village life i.e prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
Partnerships	Licensing Policy promotes the closer working in partnership with organisations including Police and Fire Authorities.

#### Background

3. South Cambridgeshire District Council currently carries out Licensing functions under the Local Government (Miscellaneous Provisions) Act 1982, The Theatres Act 1968, The Cinemas Act 1985 and the Licensing Act 1964. These statutes cover pubs, clubs, Theatres and Cinemas.
4. The new Licensing Act 2003 received Royal Assent on the 11<sup>th</sup> July 2003 heralding the introduction of a completely new piece of legislation regarding Licensing of liquor, entertainments and late night refreshments. The new Licensing Act 2003 integrates six existing licence regimes into a single system of licensing designed to reduce red tape. The power to issue licenses for the sale or supply of alcohol will pass from the Magistrates Courts to Local Authorities.
5. On the 7<sup>th</sup> July 2004 the Government issued its formal guidance to accompany the Act, allowing for the development of the Licensing Policy to proceed together with the consultation requirements included within the Act. The Act proposes greater freedom for licensees and the licensed trade, including the possibility of 24 hour liquor licensing. The Council will have a greater responsibility to work with industry and other agencies such as the Police to ensure a smooth transition to the new licensing regime.

6. At the same time as issuing the guidance, Central Government also stated that the development, consultation re-drafting and adoption of a Licensing Policy must be completed in time for accepting applications under the new regime. They have declared that the first date for accepting applications will be the 7<sup>th</sup> February 2005.
7. The introduction 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 guidelines issued by the Department of Culture Media and Sports and where appropriate relevant Council strategies such as Crime and Disorder.

### **Considerations**

8. The new Licensing Act represents a major change to the regime of licensing any premises that hold entertainment or sell or supply alcohol and provide late night refreshments of hot food or drink between 23:00 and 05:00 hours. Consideration must be given to the effect on the local community in both business and social terms. The Bill (British Institute of Innkeepers) for example estimates that the average public house injects £73,000 into its local economy per year.
9. The Policy will be 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. Consideration has been given to a range of current initiatives such as the Alcohol Harm Reduction Strategy, The Portman Group of Conduct and the Council's own strategies and Policies that relate to the requirements of the Act and the Secretary of State's guidance as issued under Section 182 of the Act.
10. In developing a statement of licensing policy, consideration has to be given to the opinions of a wide range of people as detailed in paragraph 18. The consultation process will involve over 800 consultees and will be sent to as wider range of people as possible to include representatives of the public and the industry as a whole. This will represent a significant increase in workload for the Licensing section. Due to the projected increase, provision has been made for the recruitment of additional staff as described in paragraph 17
11. The Council must have a consultation period and under Section.5 of the Licensing Act 2003, must have in place a statement of licensing policy by no later than the 7<sup>th</sup> February 2005. Due to the current timescales of Committees that are planned there is little room for movement at this stage of the decision making process.
12. Therefore, after the consultation period, as detailed in paragraph 18, appropriate weight will be given to any views submitted by the consultees and a finalised copy of the Licensing Policy will be processed in the following timescale through the following Committees:-
  - (a) Consultation period to commence on or around the 8<sup>th</sup> September 2004.
  - (b) The consultation period will end on or around the 6<sup>th</sup> October 2004
  - (c) A Licensing Committee planned for late October/ Early November will discuss the final policy and make recommendations as appropriate
  - (d) Cabinet will meet and consider the report on the 11<sup>th</sup> November
  - (e) Policy will be put before full Council on the 25<sup>th</sup> November 2004 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.

(f) December/January 2005, publication of Licensing Policy

(g) 7<sup>th</sup> February 2005, first appointed day

13. Given the already tight timescales involved, a request by Cllr Kindersley, Portfolio Holder for Environmental Health was made to and agreed by Cllr Howell, Chairman of Scrutiny Committee and Cllr Bryant, Chairman of the Council, that permission be granted to suspend section 12.16 of the Constitution to allow the draft Licensing Policy to go out to external consultation without being subject to the call-in procedure.
14. The statement of Licensing Policy will be reviewed in full at 3 yearly intervals as required under Section.5 of the Act but will be open to review at any time during that period should it prove necessary to do so. It is anticipated that an initial review will be carried out within the first year.

### **Financial Implications**

15. The consultation and implementation of the Act will require additional staffing on a temporary basis. This has been accounted for within the existing 2004/2005 budget estimates.

### **Legal Implications**

16. As stated in the report.

### **Staffing Implications**

17. The introduction of the new Licensing Act, along with the consultation process, will result in a significant increase in workload for existing officers both in terms of collating responses during the consultation process and dealing with applications after the 7<sup>th</sup> February 2005. It is expected that the consultation process will involve liaison with in excess of 800 consultees. Budget provision has been made to employ agency staff on a short term basis to assist with the collation of the consultation returns and the recruitment of 1 ½ full time Officers on two year and one year fixed contracts will commence early in the new year.

### **Consultations**

18. Consultation on the draft policy will take place immediately should the recommendations of this Committee and the Portfolio Holder be to do so. The consultation period will be for 28 days ending on or about the 8<sup>th</sup> October 2004. We will be consulting with:
  - Police Authority
  - Fire Authority
  - Licensees
  - Representatives of Club Premises
  - Area Child protection teams
  - Parish Councils
  - Licensed Victuallers Association
  - Chamber of Commerce
  - Chamber of Trade
  - Holders of Public Entertainment Licenses

- Neighbouring Authorities
- County Council

19. In addition any person including members of the public, solicitors and brewery companies etc who have requested to be part of the consultation process will be included.

### **Recommendations**

20. That the Licensing Committee recommends to the Environmental Health Portfolio Holder that the Draft Policy document attached at **Annex A** be approved for consultation to the relevant persons/bodies as described in paragraph 18.

**Background Papers:** Guidance issued under S182 of the Licensing Act 2003  
Licensing Act 2003

**Contact Officers:** Myles Bebbington, Licensing Officer  
Tel: (01954) 713132 or  
myles.bebbington@scambs.gov.uk

Dale Robinson, Chief Environmental Health officer  
Tel: (01954) 713229 or  
dale.robinson@scambs.gov.uk

Fiona McMillan, Assistant Solicitor  
Tel: (01954) 713027 or  
fiona.mcmillan@scambs.gov.uk