

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee
AUTHOR/S: Chief Environmental Health Officer

28th October 2004

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY

Purpose

1. To seek approval for the adoption of the Licensing Policy statement by Cabinet and Council as South Cambridgeshire's formal Statement of Licensing Policy 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 ie 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. 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.
4. Central Government has 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 7th February 2005.
5. 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.
6. At the previous Licensing Committee on 6th September 2004 the Draft Licensing Policy was approved by the Environmental Health Portfolio Holder for public circulation. The purpose of which was to seek views and make relevant amendments to the draft policy. The Policy was circulated to over 900 potential consultees and

their views were actively sought. A closing date for comments was set as Friday 8th October 2004

7. The Authority had received 9 replies on its Draft Policy by the 8th October 2004. Their letters are attached as **Appendix A**.
8. In general the views were supportive of the Policy and any recommendations made were with a view to the clarification of certain points and strengthening of key sentences rather than outright disagreement of any area. The Authority was complemented in producing a well balanced and fair policy.

Considerations

9. Careful consideration has been given to all of the views submitted by consultees and a finalised copy of the Licensing Policy is attached as **Appendix B** suggested amended wording is shown in red italics.
10. Within the views submitted by consultees there are certain areas that it was thought either to be not relevant to the Policy or could be better addressed in alternative ways these were as follows:-
11. **Indication of permitted licensing hours.** The cornerstone of the Act is to allow for the relaxation of Licensing Hours and each application is to be considered on its individual merits. Officers are of the opinion that to attempt to prescribe what would be permitted in this area would contravene the intention of the Act.
12. **Proof of age cards.** Officers feel that this can be included as a condition on the grounds of Protection of Children from harm provided the use of such cards has been referred to in any operating schedule
13. **Areas of concern in respect of premises and children.** The view is that where premises are used for the sale or supply of alcohol and permit children to have access, it will give rise to concerns under the objective of protection of children from harm. Officers feel that this is covered adequately within the draft policy.
14. **Door supervisors.** It is accepted that such a requirement is mandatory but to avoid confusion at a later stage it should remain within the Policy. The draft Policy did not state that the condition was optional but explained what benefits could be achieved from door supervisors. Any condition would only reflect the operating statement submitted by an applicant.
15. **Licensing of open spaces.**
The Authority's approach to this was addressed at the meeting held on the 5th September 2004.
16. In order to proceed with the Policy within the timeframe required the Policy will be forwarded in the following manner
 - a. Cabinet will meet and consider the minutes of this meeting on the 11th November 2004.
 - b. Policy will be put before full Council on the 25th 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.

- c. December/ January 2005, publication of Licensing Policy
- d. 7th February 2005, first appointed day

17. 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

18. As reported to Cabinet on 14th October 2004.

Legal Implications

19. As stated in the report.

Staffing Implications

20. As reported to Cabinet on the 14th October 2004

Consultations

21. As contained in the body of the report. Should the Policy be adopted by full Council then no further consultation will be required before the implementation date of the 7th February 2005. After this date the Policy will effectively remain under review and should it require alteration, consultation will take place with relevant persons before any amendments are implemented. Should no review be required then a full review and consultation will take place during the summer of 2007

Recommendations

22. That the Licensing Committee recommends to Cabinet and full Council that the Licensing Policy document, attached as **Appendix B** be adopted.

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

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