

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 22 June 2010
AUTHOR/S: Executive Director, Operational Services / Principal Environmental Health Officer

REVIEW OF THE LICENSING (2003 ACT) POLICY

Purpose

1. To seek approval of the draft Licensing Policy statement, as attached at **APPENDIX A** for consultation purposes, 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 and Reasons

3. That the Licensing Committee recommends to the Leader of the Council, the draft Licensing Policy as attached at Appendix A in order to commence a consultation process.
4. Failure to adopt a revised policy will result in the Council failing in its statutory duties under the Licensing Act 2003.

Background

5. South Cambridgeshire District Council originally introduced a Statement of Licensing Policy, which became effective on 7 February 2005. The Policy was reviewed in 2007 and became effective in January 2008. The Policy can remain in place for no more than a three-year period, in accordance with wording under Section.5 of the Licensing Act 2003.
6. 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 March 2010 by the Department of Culture Media and Sports.
7. Central Government has stated that the review, consultation re-drafting and adoption of a Licensing Policy should be completed by 7 January 2011.
8. 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.

Considerations

9. Careful consideration has been given to revised guidance issued by Central Government in March 2010; suggested amended wording is highlighted throughout the attached document.
10. In order to proceed with the final policy within the timeframe required, the policy will be forwarded in the following manner:
 - (a) A Licensing Committee will be held in late October to consider and recommend to the Leader at his Portfolio Holder meeting on 11 November 2010 any amendments to the draft policy as a result of the consultation process.
 - (b) The Leader will make a recommendation to Council at its meeting on 25 November 2010 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.
 - (c) The statement of Licensing Policy will be reviewed in full at 3 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

11. The Licensing Committee or the Leader may approve, amend or reject the draft Statement of Licensing Policy for consultation purposes.

Implications

12. Financial	None arising from this report
Legal	Failure to review the policy may lead the Council to a Judicial review for failing in its responsibility to carry out a statutory duty
Staffing	None arising from this report
Risk Management	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.
Equal Opportunities	The consultation process will comply with the Council's Equal Opportunities Policy
Climate Change	N/A

Consultations

13. As part of the consultation process Officers will consult 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
- Any other persons identified as representing business and residents in the area

14. The consultation document will also be available for general comment via the Council's website and at reception

Effect on Strategic Aims

15.	Commitment to being a listening council, providing first class services accessible to all.
	Consultation will take place for a twelve-week period allowing relevant parties to raise any issues regarding the revised policy for consideration by the authority
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	The policy clearly states the objectives of the relevant Act.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	The revised policy advises readers that the concerns of relevant parties will be taken into consideration in line with the Licensing Act objectives when making decisions regarding premise applications within South Cambridgeshire.
	Commitment to assisting provision for local jobs for all.
	All applications will be considered on their individual merits and consideration will be given to any relevant Government guidance issued in respect of the Licensing Act 2003.
	Commitment to providing a voice for rural life.
	A sub committee of the Licensing Committee will determine applications where any relevant representations have been made against applications

Conclusions/Summary

16. 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.
17. As part of the review process it is essential to consult 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.
18. 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 (March 2010)
- Licensing Act 2003
- South Cambridgeshire Statement of Licensing Policy

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