

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Committee (2003 Act) 21 October 2010  
**AUTHOR/S:** Executive Director, Operational Services / Environment Operations  
Manager

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### REVIEW OF THE LICENSING (2003 ACT) POLICY

#### Purpose

1. To seek approval of the Licensing Policy statement, as attached at **APPENDIX A** following the 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.
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

and it was first published in the August 2010 Forward Plan.

#### Recommendation

3. That the Licensing Committee (2003 Act) recommends to the Leader on 16 November 2010 and subsequently to full Council on 25 November 2010 that the revised Statement of Licensing Policy, attached as Appendix A be adopted.

#### Reason for Recommendation

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 revised draft policy was published for public consultation in July 2010. Details of the policy were circulated to over 1000 potential consultees and their views were actively sought. The closing date for comments was 4 October 2010. Five responses were received; these are detailed in **Appendix B** attached.
9. 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**

10. 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 in March 2010.
11. Careful consideration has been given to the views submitted and a finalised copy of the Licensing Policy is attached as Appendix A. Subject to the reasons below, it is recommended that the finalised copy of the licensing Policy remains largely unaltered from the draft circulated, however, after feedback, suggested changes are highlighted for consideration on pages 2, 4, 7, and 11 of the Policy.
12. After being agreed by the Leader, the Policy will be put before full Council on 25 November 2010 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**

13. Members may choose to recommend that the:
  - (a) Policy is adopted in its current form (Appendix A)
  - (b) Policy is not adopted in its current form, or,
  - (c) Policy is adopted without amendments, i.e as per the original draft.

### **Implications**

14.	Financial	None arising from this report
	Legal	Failure to adopt 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 and Diversity	The consultation process will comply with the Council's Equal Opportunities Policy
	Equality Impact Assessment completed	Awaiting completion
	Climate Change	N/A

## Consultations

15. 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.
16. Should the policy be adopted by full Council then no further consultation will be required before the implementation date of 31 January 2011. 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

17.	<b>Commitment to being a listening council, providing first class services accessible to all.</b> The policy is subject to a review at any time should circumstances dictate that this is appropriate
	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b> The policy clearly states the objectives of the relevant Act.
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b> 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.
	<b>Commitment to assisting provision for local jobs for all.</b> 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.
	<b>Commitment to providing a voice for rural life.</b> A sub committee of the Licensing Committee will determine applications where any relevant representations have been made against applications

## Conclusions/Summary

18. 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.
19. As part of the review process consultations were 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.
20. 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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