

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

23 October 2013

AUTHOR/S: Director of Health and Environmental Services

LICENSING (2003 ACT) POLICY: REVIEW

Purpose

1. To seek approval of the draft Licensing Policy statement, as attached at **APPENDIX A** following a 12 week 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 significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority and it was first published in the Council's 23 April 2013 Forward Plan.

Recommendation

3. That the Licensing Committee recommends to full Council that the revised Licensing Policy statement, 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 current Policy was reviewed in 2010 and became effective in January 2011. The Policy can remain in place for no more than a five-year period, in accordance with wording under s.5 of the Licensing Act 2003.
6. The review of a statement of Licensing Policy is a requirement under s.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 October 2012 and legislative changes in April 2013 by the Department of Culture Media and Sports and the Home Office respectively.
7. The revised draft policy was published for public consultation in July 2013. Details of the policy were circulated to all Responsible Authorities along with persons or businesses that had been in contact with the Licensing section over the previous year. It was also published on the Council's website and publicised through local libraries and views were actively sought. The closing date for comments was the 27 September 2013.

8. One formal response was received from Cambridgeshire Constabulary whose comments have been largely incorporated in the revised policy (**Appendix A**).
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 October 2013.
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 the following pages :

- Pages 4, 5, 8, 10, 11, 13 and 22

12. Following formal adoption by Council on 28 November 2013, 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.
13. The statement of Licensing Policy will be reviewed in full at 5 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

14. The Licensing Committee or full Council may approve, amend or reject the Statement of Licensing Policy., However, only full Council may formally adopt the final policy.

Implications

15. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Legal

16. Failure to adopt a Policy in relation to the Licensing Act 2013 will mean that South Cambridgeshire District Council will fail in its statutory duties as defined in s.5 of the Licensing Act 2003, and may be subsequently subject to Judicial review.

Risk Management

17. 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.

Consultations

18. As part of the consultation process officers consulted 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
19. The consultation document was also available for general comment via the Council's website, reception and was publicised at local libraries.
20. 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

21. Commitment to being a listening council, providing first class services accessible to all by conducting the consultation over a 12 week period.
22. Commitment to making South Cambridgeshire a place in which residents can feel proud to live by advising 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.
23. Commitment to providing a voice for rural life by having a Sub-committee of the Licensing Committee to determine applications where any relevant representations have been made against applications.

ackground Papers: the following background papers were used in the preparation of this report:

S.182 Guidance issued by DCMS (October 2013)
Licensing Act 2003
South Cambridgeshire Statement of Licensing Policy

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