

APPENDIX D
Agenda Item No. 7

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY Director of Community Services

1. Purpose

- 0.1 To advise the Scrutiny Committee of the requirement within the Licensing Act 2003 to produce a “Statement of Licensing Policy” and the areas such a statement must encompass
- 0.2 To advise the Scrutiny Committee of the timetable for consultation and agreement of the “Statement of Licensing Policy
- 0.3 To provide the Scrutiny Committee with the consultation draft “Statement of Licensing Policy” and to seek the Scrutiny Committee’s comments on the draft. The comments to be reported to a future meeting of the Licensing Committee as part of the formal consultation process prior to the Council being asked to agree the “Statement of Licensing Policy”.

1. Recommendation

- 1.1 That the Committee notes the background and timetable to the production of the “Statement of Licensing Policy” as required by the Licensing Act 2003.
- 1.2 That the Committee considers the draft “Statement of Licensing Policy” as set out in appendix 1 to this report and makes such comments as it may consider appropriate having regard to the key objectives of the policy as set out in paragraph 4.5. That the comments of the Committee be reported to the Licensing Committee.

3. Executive Summary

- 2.1 This report briefly describes the requirements placed on the Council to produce a Licensing Policy as a precursor to the consideration of licence applications in accordance with the Licensing Act 2003. The report explains that the policy has to comply with the key objectives as set out in the Act and that the draft policy has been written having regard to the guidance produced by the Government.
- 2.2 The appendix to the report is the draft Statement of Licensing Policy, the Committee are being asked as part of the consultation process to consider the draft and make such comments as they consider appropriate having regard to the objectives of the Policy.
- 2.3 The comments of the Committee will be reported to the Licensing Committee who will consider the responses to the consultation process and recommend a final policy to the Council at its meeting on 1st December 2004.

4. Supporting Information

Statement of Licensing Policy

4.1 The Licensing Act 2003 is an Act which has brought about sweeping changes to the Licensing Functions of the Council. It has transferred the liquor Licensing Functions of the Magistrates' Courts to the Local Authority and at the same time has completely changed the current Public Entertainments Licensing Regime administered by the Council. The Act has also brought in the concept of Personal Licensing for those involved the sale of alcohol and has for the first time brought premises such a late night take-aways under a licensing regime.

3.2 Section 5 of the Licensing Act 2003 (hereafter referred to as the Act) requires that for each three year period the Licensing Authority must :-

- (a) Determine its policy with respect to the exercise of its licensing functions, and
- (b) Publish a statement of that policy (a "licensing statement) before the beginning of that period.

3.2 The Act further requires that before determining its Policy, the licensing authority must consult with

- (a) The chief officer of police for the licensing authority's area'
- (b) The fire authority for that area
- (c) Such persons as the licensing authority considers to be representative of holders of premises licenses issued by that authority
- (d) Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority
- (e) Such persons as the licensing authority considers to be representative of holders of personal licenses issued by that authority
- (f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

It is intended that all Members of the Council will be consulted individually under category (f) above. It is also considered essential that the draft be considered by the Environment Scrutiny Committee as part of an auditable trail of full consultation, which will also include the draft being considered by the Cabinet and their comments also being reported to the Licensing Committee.

3.2 The consultation draft of the Statement of Licensing Policy must be in compliance with the Guidance set out by section 182 of the Act. The draft "Statement of Licensing Policy" attached as appendix 1 to this report has been prepared in compliance with the Guidance.

3.3 The "Statement of Licensing Policy" is required to address the four key objectives

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm.

The Act provides that the Statement of Licensing Policy must be determined by the full Council.

3.4 The Act will initially have two key dates, the “First Appointed Date” (FAD) and the Second Appointed Date (SAD). The FAD is the first date on which applications can be made for licenses under the 2003 Act and the SAD is when they become operative. The FAD will be 7th February 2005. The new regime and all existing licensing regimes will then run in parallel until the SAD, (which is likely to be in September when the all news licenses will become active and all old ones cease.

3.5 The Government has indicated that it may well require Licensing Authorities to have the Statement of Licensing Policy available approximately one month before the FAD so that applicants can be sure that their application is compliant with the relevant Licensing Authority’s Statement of Licensing Policy. The Statement of Licensing Policy will therefore need to be submitted to Council at its meeting on 1st December 2004.

5. Options Considered

- 5.1 As the Environment Scrutiny Committee has the Council’s licensing functions within its terms of reference no other options have been considered

6. Reasons for Recommendation

- 5.1 The Act requires that the Council set a Licensing Policy and that such a policy must have been the subject to wide consultation as specified in the Act. As the Environment Scrutiny Committee has the Council’s licensing functions within its terms of reference it is considered that as part of the consultation the draft should be subject of consideration by the Environment Scrutiny Committee and that the comments of the Committee should be reported to the Licensing Committee.

7. Resource Implications

- 7.1 There are no specific resource implications contained within this report.

8. Response to Key Aims and Outcomes

- 8.1 The Act will have a major impact on all three of the Council’s Key Aims. The Licensing Policy will need to address the four key issues:-

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm.

These are particularly applicable to the key aim for Local Communities and in promoting the outcome of an on-going reduction in the fear of crime

- 8.2 The Act and the new licensing regime that it introduces will have an impact on the key aim for the local economy in that it may assist in the retention and expansion of the local business community and may positively attract businesses to the district

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Background Documents: Licensing Act 2003
Items to licensing Committee

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