

<b>LICENSING ACT 2003 COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>16 NOVEMBER 2010</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Peter Gell - Business Regulation Strategic Manager Adrian Day – Licensing Manager Kerry Leishman - Licensing Development Officer	Tel. 453419 Tel. 454437 Tel. 453502

**LICENSING ACT 2003 – PETERBOROUGH CITY COUNCIL’S STATEMENT OF LICENSING POLICY**

<b>RECOMMENDATIONS</b>	
<b>FROM</b> : Business Regulation Strategic Manager	<b>Deadline date</b> : 8 December 2010
The Committee is asked to:	
<ol style="list-style-type: none"> <li>1. Note the contents of the report</li> <li>2. Note the comments received following public consultation (if any)</li> <li>3. Approve the final reviewed Statement of Licensing Policy (the policy) and recommend that the policy be adopted by Full Council on December 2010</li> </ol>	

**1. BACKGROUND**

- 1.1 Under Section 5 of the Licensing Act 2003 (the Act), it is a requirement for each Council to produce, adopt and publish a statement of licensing policy. The policy will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a policy the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 1.2 The Act requires that the Policy is kept under continual review to incorporate where necessary any changes to legislation. In addition to this, the Act specifies that the Policy must be reviewed on a triennial basis.
- 1.3 The most recent reviewed policy expires on 06 January 2011 therefore is now subject to further review.
- 1.4 In order to meet our statutory obligations, a revised Policy has been formulated. Also in accordance with the Act, this Policy has been consulted on and comments welcomed.

**2. PURPOSE**

- 2.1 The purpose of this report is to make members aware of the comments received (if any) following the consultation process.
- 2.2 To approve the reviewed Policy.
- 2.3 To recommend that the reviewed policy be adopted by Full Council on 08 December 2010.

2.4 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.1 'to undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003'.

### 3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>YESNO</b>
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### 4. **CONSULTATION**

4.1 Before determining its policy for any 3 year period (as required under s.5 of the Act), the licensing authority must consult the persons listed in s5(3) as follows:

- a. Chief Officer of Police for the area;
- b. Fire Authority for the area;
- c. Persons/bodies representative of local holders of premises licences;
- d. Persons/bodies representative of local holders of club premises certificates;
- e. Persons/bodies representative of local holders of personal licences; and
- f. Persons/bodies representative of businesses and residents in its area.

The Licensing Authority also has the discretion to consult more widely where appropriate.

4.2 For information purposes a list of consultees is attached at **Appendix A**.

4.3 An 8 week consultation took place between 16 August and 11 October 2010.

The covering letter gave information and advice on the following:

- i) Options on where to access and obtain copies of the draft policy,
- ii) Opportunity to make relevant representations, in writing, on the draft policy ,
- iii) Notification that any comments received after the consultation deadline would not be taken into account; and
- iv) Notification of where the final policy could be accessed and the date of implementation.

4.4 On Saturday 28 August 2010 a Notice of Publication of the Council's review of the policy was advertised in the Peterborough Evening Telegraph giving advice as at paragraph 3.4 above.

4.5 On Tuesday 14 September 2010 Officers met with Members of the Licensing Act 2003 committee for an informal discussion on the revised policy where opinions were sought.

4.6 The licensing department received no formal written or verbal comments on the draft revised policy.

### 5. **CONSIDERATIONS**

5.1 A copy of the proposed final reviewed Policy is attached at **Appendix B**.

### 6. **IMPLICATIONS**

6.1 Corporate Resources

Legal Services will be required to provide legal representation in the event of any appeals to the Magistrates against decisions of the Council, prosecutions being instigated or enforcement action being undertaken by the Authority.

## 6.2 Cross Service Implications

The Licensing Act 2003 is far reaching and affects a number of different departments and as such a closer working relationship will continue to be developed to ensure delivery of The Licensing Act 2003.

## 6.3 Community Implications

The Licensing Act 2003 and the Guidance compiled under s.182 of it have a significant impact on the community both in terms of its protection and the furtherance of the provision of entertainment and economic growth.

## 6.4 Resources

The Authority will continue to review the resources necessary both internally and externally to enable the delivery of this statutory responsibility.

## 7. **BACKGROUND DOCUMENTS**

Licensing Act 2003

Revised Guidance issued under Section 182 of the Licensing Act 2003

LACORS Best Practice Framework for the review of Licensing Policy Statements

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