

COUNCIL	AGENDA ITEM No.7 (ii) (a)
8 DECEMBER 2010	PUBLIC REPORT

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

<b>RECOMMENDATIONS</b>	
<b>FROM</b> : Licensing Act 2003 Committee:	<b>Deadline date:</b> N/A
That Council adopts the Statement of Licensing Policy for 2011 - 2014	

**1. BACKGROUND**

- 1.1 Under Section 5 of the Licensing Act 2003, it is a requirement for each Council to produce, adopt and publish a statement of licensing policy. This 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 the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Policy must be reviewed and revised on a 3 yearly basis.
- 1.3 The most recent reviewed policy expires on 6 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 sought.

**2. PURPOSE**

- 2.1 The purpose of this report is to provide Members with the information they need to assist them with their decision in relation to adopting the attached revised Statement of Licensing Policy which incorporates changes made following both the consultation process and the amendments to section 182 of the Licensing Act 2003.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>Yes</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 Consultee's 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 4.3 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 During the consultation the licensing department received no formal written comments on the draft revised policy.

## 5. **CONSIDERATIONS**

5.1 The Licensing Committee which convened on 16 November suggested a number of minor changes to the policy. The said changes which are highlighted (as shaded grey), as attached in Appendix B will be incorporated upon adoption by full council.

5.2 Due to the fact the policy is renewed triennially there is very little change to the document. The main change was to reformat the policy to reflect the model produced by the Local Government Regulator as this was considered a more logical approach. Further changes / additions made relate directly to regulations laid by the Secretary of State in relation to expedited reviews for which the authority is now responsible for administering (expedited reviews provide the police a fast track avenue to attach interim conditions for alcohol licensed premises associated with serious crime or serious order or both, following an expedited review a full review of the premises licence is required).

5.3 It should be noted there are no other significant changes to the policy other than those indicated in point 5.2. Minor changes have made to the phraseology in certain areas in consultation with the council legal representative.

5.4 The Policy is attached at **Appendix B**.

## 6. **IMPLICATIONS**

### Corporate Resources

Legal Services will also 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.

### 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.

#### 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.

#### Resources

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

## **6. BACKGROUND DOCUMENTS**

Licensing Act 2003

Revised Guidance issued under Section 182 of the Licensing Act 2003

Minutes of the Licensing Act 2003 Committee held on 16 November 2010

