

LICENSING ACT 2003 – REVIEW OF LICENSING POLICY

LEAD MEMBERS: Councillors Allan Holliday, Deputy Leader for Effective Leadership and Hugh Branney, Portfolio Holder for Leisure and Culture.

LEAD OFFICER: Martin Jepson, Head of Legal and Democratic Services.

REPORT AUTHOR: Clinton Boyce, Legal Services Manager.

<p>RECOMMENDATION: That Appendix 1 to this report be the Council's policy and statement under section 5(1) of the Licensing Act 2003 in respect of the exercise by the Council (as licensing authority) of its licensing functions under the said Act such policy and statement to be effective from the 7th January 2008.</p>
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1. BACKGROUND AND RECOMMENDATION

- 1.1 The Licensing Act 2003 ('the Act') transferred liquor licensing functions from the Magistrates' Court to district councils with effect from the 7th February 2005. The Act also consolidated legislation relating to cinemas, theatres and places of public entertainment.
- 1.2 Section 5 of the Act requires district councils to determine and publish a policy as to how it will exercise its licensing functions under the Act and to publish a statement of that policy. This process must be undertaken every three years. Council approved the first policy on the 28th November 2004, with the policy being effective from the statutory date of the 7th January 2005 and ending on the 6th January 2008. A new policy must be adopted prior to the 7th January 2008 for the next three year period.
- 1.3 The Cumbria Licensing Forum was established, comprising of officers from the six district councils within Cumbria, to develop a draft policy. Section 5 requires various statutory authorities and other bodies to be consulted on the draft policy. A draft policy was issued for statutory consultation, the period of which closed on the 26th October 2007. Comments were received which have been considered by the Cumbria Licensing Forum and the draft policy revised as appropriate.
- 1.4 The revised policy is now attached to this report as appendix 1. Amendments to the existing policy are shown highlighted for ease of reference. No significant changes to the existing policy are being made. The draft policy as attached was approved by the Licensing Committee on the 23rd November 2007 and the Executive on the 27th November. Council is now asked to endorse the policy.

List of Appendices

Appendix 1 – draft policy.

List of Background Documents

Existing adopted policy;
Invitation to comment and responses to consultation; and
Appendix 1.

List of Consultees

As set out in appendix 4 to the draft policy and existing licence-holders.

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	All functions carried out under the Act must be done with a view to promoting the four licensing objectives, one of which is the prevention of crime and disorder. The policy considers this in detail from page 15 of the draft. .
Impact on Sustainability	Not applicable.
Impact on Rural Proofing	Not applicable.
Health and Safety Implications	This is dealt with by the section in the draft policy titled 'Public Safety' starting on page 18 of the draft.
Project and Risk Management	Not applicable.
Impact on Equality and Diversity Issues	Not applicable.
Children and Young Persons Implications	This is dealt with by the section in the draft policy titled 'Protection of Children from Harm' starting on page 25 of the draft.
Human Rights Act Implications	The procedures followed by licensing committees take into account these implications.
Monitoring Officer comments	No further comments on the report. However, could a list of Background Papers be added?
Financial Monitoring Officer comments	Questioned financial implications for the Council which were confirmed as none.

Please say if this report will require the making of a Key Decision NO