

REPORT TO COUNCIL

REPORT OF: **Environmental Protection Service Manager**

REPORT NO.: **ENV390**

DATE: **25 OCTOBER 2007**

TITLE:	REVIEW OF LICENSING ACT 2003 POLICY
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	AUGUST 2007
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY FRAMEWORK AGREEMENT

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	CLLR. R AUGER – CABINET MEMBER	
CORPORATE PRIORITY:	CATEGORY "Y"	
CRIME AND DISORDER IMPLICATIONS:	YES	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	YES	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Yes	Full impact assessment required? No
BACKGROUND PAPERS:	ENV 366	

1. INTRODUCTION

Section 5 of the Licensing Act 2003 requires that each Local Authority consults on, and determines a Statement of Licensing Policy. That policy must be reviewed on an ongoing basis and in any case every three years. The current policy was adopted on the 7 December 2004 and is the revised policy must be in place for the 5 January 2008.

The legislation requires that before implementing the current policy is reviewed and consulted before any revisions made. Approval for the consultation process and method was sought and given by the Licensing Committee at their meeting on the 6 April 2007. See report ENV 366.

The consultation process has now been completed as have the revision to the policy.

The report has been noted by the Licensing Committee, and recommended by Cabinet to the Council for approval.

2. RECOMMENDATIONS

That, following the consultation exercise, the Council adopts the revised policy as “The Statement of Licensing Policy” which will take effect from the 5 January 2008

3. DETAILS OF REPORT

Section 3 of the Licensing Act 2003 defines this council as a “Licensing Authority”

Section 4 of the Act requires the Licensing Authority to have regard to its Licensing Policy in carrying out its functions.

Section 5 of the Act requires each licensing to determine and publish a Licensing Statement and review on an ongoing basis, but in any case triennially.

Before determining the policy the Authority must consult with: -

The Police, Fire Authority, other “Responsible Authorities, licence holders, other persons representative of businesses, resident in the area and others that the Authority may determine.

Following its meeting on the 6 April 2007 the Licensing Committee authorised the policy consultation to take place. The formal consultation period ran from the 20 April to the 14 July. This 12-week period complies with central government guidance on policy consultation, as does the level of consultation carried out.

The methods of consultation were as follows, articles were carried in the local press and the council's website. Presentations to promote the policy review were made by members of the licensing team at all six of the local forums. As a precursor to these meetings in the summer and autumn of 2006 a series of licensing forums were held by the licensing team to promote awareness of licensing issues and especially the ongoing review process required by the Act. Additionally members of the licensing team regularly attend local various licensed trade group meetings in the district.

Over 700 letters were sent to all licence holders, business and community groups and various others previously recorded as wishing to be involved in the process inviting the recipients to take part in the consultation process. Individual letters were sent to the six responsible authorities under the Act. Particularly letters were sent to the clerks of the main town Councils for their views.

The current policy was not sent with all of these letters, but included in the letters was the fact that it was available on the Council's website and that hard copies were available if required on request.

The results of this were 11 responses. Those responses are shown at Appendix 1 of this report and the comments shown therein reflect the level of interest. Where necessary, amendments have been made to the revised policy.

A record of the consultees, their responses and the process has been maintained.

The revised policy and the proposed amendments, shown in highlights, are shown at Appendix 2.

The review of the policy process has been completed, and peer assessed, in partnership the seven councils of the Lincolnshire county licensing group.

The revised policy was submitted for Cabinet approval at their meeting on 1 October 2007 and an oral update will be given at the council meeting if required.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The requirement to consult and produce a revised policy is a statutory duty. There are no other options.

5. COMMENTS OF SECTION 151 OFFICER

The fees and charges in respect of the Licensing service are set by Central Government and any proposed changes will need to be incorporated into the budget setting process.

6. COMMENTS OF MONITORING OFFICER

The amendments to the policy have been made to effect current relevant legislation and the relevant comments received from the consultation process.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

All relevant service managers are “Responsible Authorities” and have been consulted on and given opportunity response. Those that have done so have made no comments.

8. CONCLUSION/SUMMARY

Every effort has been made to comply with the legislation and consult as widely as possible. The revised policy is passed to the Council for adoption.

9. CONTACT OFFICER

M Start, Environmental Health Practitioner (Licensing)
Tel: 01476 406321 E-mail m.start@southkesteven.gov.uk