

Report to Licensing Committee

Agenda
Item:

A.2

Meeting Date: 27 May 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: LICENSING ACT 2003 –STATEMENT OF LICENSING POLICY –
FORMATION OF WORKING GROUP
Report of: Director of Governance
Report Number: GD 23/15

Purpose / Summary:

One of the statutory duties of the Local Authority under the Licensing Act 2003, is for each five (was three) year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy. The last policy was published in January 2011 and we are about to consult on the draft of a revised policy for publication by January 2016. It is recommended that a small working group consisting of Members and Officers be formed to consider this draft policy.

Recommendations:

Form a working group consisting of Members and Officers, to agree a draft Licensing Policy for consultation and recommendation to the Licensing Committee and eventual approval of the City Council.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

To the Chairman & Members of the Licensing Committee on 27th May 2015

BACKGROUND

1. One of the duties of the Local Authority under the Licensing Act 2003, is for each five (was three) year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy.
2. The last policy was published in January 2011 and consultation will shortly be taking place on a draft of a revised policy.
3. Licensing Act 2003 Section 5 reads:

Statement of Licensing Policy

- (1) Each licensing authority must in respect of each five (was three) year period
 - a) determine its policy with respect to the exercise of its licensing functions and
 - b) publish a statement of that policy before the beginning of the period.
 - (2) In this section "five year period" means-
 - (a) the period of three years beginning with such day as the Secretary of State may by order appoint, and
 - (b) each subsequent period of five years.
 - (3) Before determining its policy for a five year period, the licensing authority must consult -
 - 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
 - i) holders of premises licences issued by that authority,
 - ii) holders of club premises certificates issued by that authority,
 - iii) holders of personal licences issued by that authority, and
 - iv) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
 - (4) During each five year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
4. The date appointed by the Secretary of State in accordance with section 5(2) of the Licensing Act 2003 was 8th January 2005. The fourth review of the policy must therefore be published by 8th January 2016.
 5. In 2003, Cumbria Licensing Managers Group, which is made up of Licensing Managers from each of the six authorities, discussed the formulation of a common policy. This was prepared, with the assistance of national guidance, and was accepted with minor variations by all six authorities.

6. For the last three policies, the Licensing Committee of this Council resolved to form a Licensing Policy Working Group to consider the responses to the consultation and in due course make recommendations to the Licensing Committee and subsequently Full Council. This group consisted of the Chairman and two representatives from the Licensing Committee. In addition the Solicitor and the Licensing Manager were appointed to give assistance and guidance. The group submitted their recommendations to the Licensing Committee which was forwarded to Full Council for adoption.

CURRENT REVIEW

7. Cumbria Licensing Managers Group has discussed the current review. The trade and Responsible Authorities have appreciated the common policy adopted by the six authorities in previous years and would like to see this continue. The content has not been challenged by the judiciary or during any committee hearings.
8. The Licensing Managers Group met on 8th April 2015 to prepare a draft policy for consultation. This draft will be circulated for consultation to all Responsible Authorities and persons and organisations that were consulted in the original consultation. A letter will be sent to all Members of the City Council, placed on the Council web site and a press release will be made in a local newspaper.
9. With this in mind, it is recommended that a small local working group consisting of Members and Officers similar to that outlined in para. 6 above is formed. This group will consider the draft Licensing Policy Statement, taking into account any recommendations from the county group following consultation and prepare a report for the Licensing Committee and ultimate adoption of the Licensing Policy by the City Council.

RECOMMENDATION

7. Form a working group consisting of Members and Officers, to prepare a draft Licensing Policy for eventual approval of the City Council.

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Appendices None
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:Licensing Act 2003

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None