

**Committee: LICENSING**

**Agenda Item**

**Date: 8 September 2010**

**10**

**Title: REVISION OF THE LICENSING ACT 2003  
POLICY**

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Item for decision

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## Summary

1. Under the Licensing Act 2003 licensing authorities are required to determine and publish their licensing period for each three year period that started in February 2005. The next three year period for this council's Licensing Policy commences in February 2011.
2. On 9 June 2010 the committee approved a draft revised Licensing Policy statement as a basis for consultation.
3. This report is to inform members of the outcome of the consultation process and to seek a recommendation to Full Council.

## Recommendations

4. That the committee recommend that Full Council adopts the draft revised Licensing Policy attached to the committee report of the 9 June 2010 as its licensing policy under the Licensing Act 2003 for the 3 year period commencing 1 February 2011.

## Financial Implications

5. None. There are no costs associated with the recommendations.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - Responses to the consultation received prior to the date of preparation of this report.

## Impact

- 7.

Communication/Consultation	A press release was issued regarding the consultation process. The consultation was published on the council's website. Letters requesting views were sent to all
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	statutory consultees, all holders of premises licences and club premises certificates within the district and all town and parish councils.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The licensing authority is obliged to have regard to its licensing policy in determining applications. The policy is likely to need further revision in the event that the legislation is amended as appears may be the case from the government's recent consultation on proposed changes to the Act.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

8. The policy placed before members on the 9 June has now been the subject of consultation.
9. Only two responses have been received. One was from English Heritage which indicated it had no comments to make upon the draft revised policy. The other was from the licensee in the area who was clearly aggrieved that licensing is now the responsibility of local authorities rather than the magistrates. However, his comments were not relevant to the Licensing Policy.
10. In the event that any further responses are received after the preparation of this report they will be reported verbally to members.
11. Although members are asked to approve the draft revised Licensing Policy the adoption of the policy is reserved to Full Council by virtue of the legislation and members are therefore asked to recommend adoption to Full Council at its meeting on the 30 September.

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
A party dissatisfied with the policy seeks to challenge the same by way of judicial review.	1, the council's first Licensing Policy was amended to take account of comments made in a judicial review case and has not been subject to criticism since.	3, judicial review proceedings may involve the council in expense.	In the unlikely event that a challenge is received, members reconsider the policy in the light of the challenge.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.