

Cherwell District Council

Licensing Committee

16 December 2013

Licensing Act 2003

Report of Head of Community Services

This report is public

Purpose of report

The development and adoption of the Statement of Licensing Policy is a statutory requirement under the Licensing Act 2003. The function of approving the Statement and the subsequent reviews of it are the responsibility of the Licensing Committee in accordance with Cherwell District Councils Constitution and Scheme of Delegation.

The current Statement was approved by Full Council for a period of three years on 9 December 2010. The publication date of the Statement of Licensing Policy was 5 January 2011.

This report seeks final approval of the Statement of Licensing Policy. A number of amendments have been made to the current policy statement prior to the consultation exercise and in accordance with legislative changes over the past three year period. As with the development of the current policy statement we have liaised with the other district councils in Oxfordshire and have, where appropriate, incorporated amendments suggested as a result of the consultation process.

There were no responses received during the consultation period. The full draft policy detailing all proposed amendments is attached as appendix 1. All amendments are highlighted by track changes.

1.0 Recommendations

The meeting is recommended to:

- 1.1 Consider the proposed alterations on the draft statement of licensing policy and decide whether any draft policies should be altered, omitted or others included.
- 1.2 Authorise the Head of Community Services in consultation with the Chairman of the Licensing Committee, to make any minor alterations to the policy should the publication of regulations make expressed policies inconsistent

with the regulations (NB – this would only apply up to the point of publication on Monday 6 January 2014, thereafter any alterations would be subject to full consultation in accordance with the Licensing Act 2003).

2.0 Introduction

2.1 The consultation ran from 16 September 2013 through until 13 October 2013. To ensure that our consultation process was as comprehensive as possible, the following bodies were invited to comment:-

All relevant statutory and representative bodies as prescribed by the Licensing Act 2003:

- the Chief Officer of Police for the Licensing Authority's area;
- the Fire Authority for that area;
- such persons as the Licensing Authority considers to be representative of holders of Premises Licences issued by that Authority;
- such persons as the Licensing Authority considers to be representative of holders of Club Premises Certificates issued by that Authority;
- such persons as the Licensing Authority considers to be representative of holders of Personal Licences issued by that Authority; and
- such other persons as the Licensing Authority consider being representative of businesses and residents in its area.

2.2 As with the consultation of the current policy document other non-statutory bodies who have an interest in licensing functions, for example:

- Responsible Authorities
- Alcohol Concern and similar organisations
- Community Associations
- Children and Young People Organisations
- Health and Safety Executive
- Oxfordshire Primary Care Trust and Medical Agencies

2.3 The consultees were invited to comment by letter and through the Council's online consultation portal as well as a press notice being placed in local newspapers.

2.4 The consultation exercise did not bring any responses.

3.0 Report Details

3.1 A copy of the draft Statement of Licensing Policy for approval is included with this report and highlights proposed amendments. This is attached as appendix 1.

- 3.3. In preparing the Statement of Licensing Policy Officers have had full regard to the guidance issued by the Secretary of State, as set out in the statutory guidance issued under Section 182 of the 2003 Act.

4.0 Conclusion and Reasons for Recommendations

4.1 The Committee is requested to:

- Consider the proposed alterations on the draft statement of licensing policy and decide whether any draft policies should be altered, omitted or others included
- Authorise the Head of Community Services in consultation with the Chairman of the Licensing Committee, to make any minor alterations to the policy should the publication of regulations make expressed policies inconsistent with the regulations (NB – this would only apply up to the point of publication on Monday 6 January 2014, thereafter any alterations would be subject to full consultation in accordance with the Licensing Act 2003);

5.0 Consultation

There were no responses received to the consultation.

6.0 Alternative Options and Reasons for Rejection

5.1 The following alternative options have been identified as set out below.

Option 1: Consider the proposed alterations on the draft statement of licensing policy and decide whether any draft policies should be altered, omitted or others included; and Authorise the Head of Community Services in consultation with the Chairman of the Licensing Committee, to make any minor alterations to the policy should the publication of regulations make expressed policies inconsistent with the regulations (NB – this would only apply up to the point of publication on Monday 6 January 2014, thereafter any alterations would be subject to full consultation in accordance with the Licensing Act 2003);

Option 2: Consider the proposed alterations on the draft statement of licensing policy and decide whether any draft policies should be altered, omitted or others included

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial effects from adopting the Statement of Licensing Policy other than the cost of communicating it to the licence applicants.

There is existing budget provision to cover these costs including printing and postage.

Comments checked by: Yvonne White, Service Accountant, 01295 221737
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Legal Implications

- 7.2 The Council is required by the Licensing Act 2003 to have a Statement of Licensing Policy. Members should have regard to the responses received from all consultees in coming to their determination in this matter.

Comments checked by: Paul Manning, Solicitor 01295 221691
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- 7.3 **Risk Assessment:**

Risk 1: Policy Statement being challenged at Judicial Review.

Likelihood: Low

Impact: Medium to High – Cost of court action and increase in workloads for officers in preparation for court appearances.

Mitigating Actions: Policy developed in accordance with the Licensing Act 2003, based on the format suggested by guidance and the Lacors template. In addition, thorough consultation is undertaken before final policy is adopted.

Risk 2: Policy Statement not published by 06 January 2014. Could lead to Judicial Review.

Likelihood: Low

Impact: Medium to High – Cost of court action and increase in workloads for officers in preparation for court appearances.

Mitigating Actions: Between the date of adoption and the date of publication, authorise the Head of Community Services in consultation with the Chairman of the Licensing Committee, to make any minor alterations to the policy should the publication of regulations make expressed policies inconsistent with the regulations

Comments checked by Claire Taylor, Corporate Strategy and Performance Manager 01295 221563

Wards Affected

All

Links to Corporate Plan and Policy Framework

As detailed in the current Service Plan

Lead Councillor

None

Document Information

Appendix No	Title
1	Draft Licensing Policy Statement
Background Papers	
None	
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