

Cherwell District Council

Council

14 December 2015

<p>Licensing Act 2003</p> <p>Review of Statement of Licensing Policy</p>
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Report of Shared Interim Public Protection & Environmental Health Manager

This report is public

Purpose of report

To consider a revised Statement of Licensing Policy as part of the Licensing Act 2003.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve and adopt the revised Cherwell District Council Statement of Licensing Policy.

2.0 Introduction

- 2.1 This report refers to the Statement of Licensing Policy following the review required by the Licensing Act 2003.

3.0 Report Details

- 3.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act.
- 3.2 The policy was last reviewed on the 9th of December 2010 and lasts 5 years. The Secretary of State has decreed that the policy must be reviewed at least every five years, although a Licensing Authority can review it at any time.
- 3.3 The draft policy is attached at Appendix 1. The policy was produced following guidance given in the LACORS Best Practice Framework for the Review of Licensing Policy Statements.

- 3.4 There are no key significant policy changes in the document but there are some sections which have been expanded to provide better guidance, for example, descriptions of early morning restriction orders and late night levies.
- 3.5 The deadline for publication of this policy is 6 January 2016.
- 3.6 The Act requires a consultation to be carried out with the persons/groups detailed below. This was carried out and no comments were received.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is recommended that the revised licensing policy statement be approved.

5.0 Consultation

The Council's Licensing Committee

Chief Officer of Police

Party to developing the policy and no further comments received

The Fire Authority

Party to developing the policy and no further comments received

Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area

No responses

Holders/representatives of premises licensees

No responses

Holders/representatives of club premises certificate holders

No responses

Holders/representatives of personal licence holders

No responses

Persons/representatives of businesses and residents

No responses

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The policy must be reviewed so rejection is not a realistic option.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications

Comments checked by Brian Wallace, Interim Principal Accountant for Community and Environment, 01296 221737 brian.wallace@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The Council is required to produce, publish and review at least every five years a 'statement of principles' – a policy which will be applied by the council in the exercise of its functions under the Licensing Act 2003. The policy must comply with Licensing Act 2003 and have regard to the statutory guidance issued in accordance with the Act.

Failure to comply with the legislation and / or give due consideration to the statutory guidance may result in a challenge to the policy being successful.

Subsequent failure to comply with the policy when exercising its functions under the Licensing Act 2003 may result in a challenge to the council's discharge of its statutory functions being successful.

Comments checked by Matt Marsh, Solicitor, 01295 221691,
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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

To deliver regulatory services that are efficient, and well regarded by business customers

Lead Member

Councillor Tony Ilott, Lead Member for Public Protection

Document Information

Appendix No	Title
1	Licensing Act 2003 Statement of Licensing Policy
Background Papers	
None	
Report Author	Nicholas Sutcliffe, Interim Licensing Manager
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