

Item 6

REPORT TO CABINET

28th OCTOBER 2004

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES.

PORTFOLIO – Environment

LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

RECOMMENDATIONS

That the Draft Statement of Licencing Policy be considered and that a further report be submitted to Cabinet after the end of the consultation period.

KEY CONTENT

The Licensing Act 2003 transfers responsibility for Liquor Licensing to Local Authorities and replaces existing legislation relating to the licensing of entertainment and provision of late night refreshment.

The Act requires the Licensing Authority to prepare and publish a licensing policy every 3 years.

The licensing policy is an extremely important document and should include in detail how the local authority intends to approach its various licensing duties which must be taken into account when considering any application. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed , efficiency and cost-effectiveness.

The Government has recently announced that the Authority's Licensing Policy must be published no later than the 7th January 2005.

Current licence holders will have 6 months from the 7th February 2005, known as the transitional period to submit their applications for premises and personal licences to the Licensing Authority. The licences once granted will however not come into force until a date in November 2005 which has yet to be set by Government.

RESOURCE IMPLICATIONS

The resource implications can only be fully considered once the licence fees have been set by Government .

CONSULTATION

The Licensing Act 2003 requires that the following persons are consulted with regard to the policy.

- The chief officer of police for the area
- The fire authority for the area
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in its area.

The consultation process is will end on the 29th November 2004.

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Ward(s)

All Wards in the Borough

Key Decision Validation

Affects 2 or more wards

Background Papers

The Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>