

# Item 5

## KEY DECISION

## REPORT TO CABINET

22nd NOVEMBER 2007

## REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

### PORTFOLIO – Safer Communities

### LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY

#### RECOMMENDATION

That the Statement of Licensing Policy be considered by Cabinet prior to it being submitted to Council on the 23<sup>rd</sup> November for approval.

#### KEY CONTENT

The Licensing Act 2003 which came into force in November 2005 transferred responsibility for Liquor Licensing to Local Authorities and replaced 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 Statement of Licensing Policy every 3 years.

The Statement of Licensing Policy details how the local authority intends to approach its various licensing duties when considering any application.

The current policy has recently been reviewed and redrafted and has taken into account recent changes in the Government Guidance issued under section 182 of the Licensing Act.

The Policy must be approved by Council and be published by the 7th January 2008.

Following the completion of the statutory consultation process the draft Policy was considered by Licensing Committee 2 on the 22<sup>nd</sup> October when it was resolved that the draft Statement of Licensing Policy be submitted to Cabinet for information and then to Council for approval on the 23<sup>rd</sup> November 2007.

During the consultation process written comments relating to the policy were received from the following:

British Beer and Pub Association  
Sedgefield Town Council  
County Durham Primary Care Trust

The comments from each of the above sources were taken into account when redrafting the policy. The redrafted Statement of Licensing Policy is attached at Appendix 1.

## **RESOURCE IMPLICATIONS**

There are no resource implications associated with this Policy. The fees for licences and other permissions are set by Government.

## **CONSULTATION**

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

- The Chief Officer of Police
- The Fire Authority
- The Head of Environmental Services with regard to health and safety and public nuisance for Sedgefield Borough Council.
- The Head of Planning Services Sedgefield Borough Council.
- Durham County Council with regard to Trading Standards and Safeguarding Children.
- 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.

A copy of the Policy was also placed on the Council's website and everyone holding either a premises licence, club premises certificate or a personal licence was sent a letter informing them of the consultation process. An electronic copy of the policy was also sent to all Council members and the Clerks of all Town and Parish Councils within the Borough.

The consultation process took place between the 1<sup>st</sup> of August and the 3<sup>rd</sup> October 2007. Comments received during that period were taken into account when redrafting the Policy.

## **OTHER MATERIAL CONSIDERATIONS**

### Links to Corporate Objectives/Values

The Council has adopted the Community Strategy's ambitions to creating a healthy, prosperous, attractive borough with strong communities and recognises the importance of linking its future strategic objectives to these aims together with priorities that relate to community needs and aspirations. The licensing of premises throughout the Borough enables the Authority to have greater influence in achieving the above aims and objectives.

### Risk Management

No risks have been identified.

### Health & Safety

No implications have been identified.

#### Equality & Diversity

Full account has been taken of the Borough Council's obligation to promote equality and diversity.

#### Legal & Constitutional

The approval and publication of a Statement of Licensing Policy is a statutory requirement.

#### Information Communication Technology

There are no specific issues to report.

#### Sustainability

No material considerations have been identified.

#### Human Rights

In carrying out its Licensing functions the licensing authority will have regard to the Human Rights Act and in particular Article 6 Right to a Fair Hearing and Article 1 of the first protocol Protection of property. Everyone is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

#### Social Inclusion

There are no Social Inclusion issues.

#### Procurement

No implications have been identified

Contact Officer: Neil Smalley  
Telephone No: 01388 816166 Ext. 4454  
E-mail address: [nsmalley@sedgefield.gov.uk](mailto:nsmalley@sedgefield.gov.uk)

#### 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.

Written responses from British Beer and Pub Association

County Durham Primary Care Trust, Sedgefield Town Council.

## 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"/>