

# LICENSING ACT COMMITTEE

5 June 2007

## LICENSING ACT 2003 – REVIEW OF LICENSING POLICY

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

STRATEGIC OBJECTIVES:	TO IMPROVE OUR ECONOMY AND INFRASTRUCTURE
SERVICE PLAN(S):	PUBLIC PROTECTION
WARD(S):	ALL

#### 1. PURPOSE OF THE REPORT

- 1.1 This report is to provide information to enable the statutory review of the Statement of Licensing Policy required by the Licensing Act 2003 to be undertaken.

#### 2. RECOMMENDATION

- 2.1 **To approve the statutory review of the current Statement of Licensing Policy and the timetable for undertaking the review and consultation, as set out in Appendix 4.**

#### 3. REASON FOR RECOMMENDATION

- 3.1 The Licensing Act 2003 places a statutory duty on the Council, as the Licensing Authority to review and publish its Policy every three years. The first Policy was adopted in December 2004 and a review of the Policy needs to be undertaken and published by the end of December 2007.

#### 4. BACKGROUND

- 4.1 Rutland County Council (RCC) is designated as the Licensing Authority under the Licensing Act 2003.
- 4.2 The Licensing Authority has a duty to publish its Policy with regard to the functions it carries out under the Licensing Act 2003. The current Statement of Licensing Policy is attached at Appendix 1
- 4.3 There is a duty to carry out a review of this Policy every three years. The first Statement of Licensing Policy was approved by Council in December 2004, and is due to be reviewed and re-published by December 2007.

- 4.4 The Review of the Policy includes a provision to consult with named Responsible Authorities and Interested Parties. A list of these consultees is shown at Appendix 5.

## **5. DETAIL OF REPORT**

- 5.1 Officers have carried out an initial review of the Policy based on the experience of administering the provisions of the Act. There have been no major issues arising since the introduction of the Licensing Act 2003 that warrant major changes to the current Policy. The changes recommended by officers are detailed in Appendix 3. However, issues may arise through the consultation process which may result in changes being recommended to the Policy.
- 5.2 The Licensing Act and Guidance require the Licensing Authority to consult with Responsible Authorities and Interested Parties prior to adopting any changes to the Policy. The Licensing Authority must consider comments received through the consultation, which are relevant to the Licensing Act 2003.
- 5.3 The consultation period is recommended to be 2 months starting from 1<sup>st</sup> July 2007. This would then allow the replies received to be considered by this Committee at its meeting on 29<sup>th</sup> November and for the revised policy to be considered for approval by Council at its meeting on 10 December 2007. A timetable for this review is set out in Appendix 4.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The Costs associated with this review will be met from the Licensing Act 2003 budget

## **7. LEGAL IMPLICATIONS**

- 7.1 The duty to review of the Policy is set down in regulations. Failure to undertake the review could result in a Judicial review.

## **8. SUSTAINABILITY IMPLICATIONS**

- 8.1 None applicable to this report

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 The Licensing Act has as one of its objectives the reduction of Crime and Disorder.

## **10. CONCLUSION**

- 10.1 The Licensing Act 2003 and the Statutory Guidance require the Licensing Authority to carry a review of its Policy every three years and to consult with Responsible Authorities and Interested Parties before adopting the Policy. The timetable shown in Appendix 4 will enable the Council to meet its statutory obligation.

### **Background Papers:**

RCC Licensing Policy (Licensing Act 2003) December 2004  
Licensing Act 2003  
Secretary of State Statutory Guidance Made under Section xxx of the Licensing Act 2003.

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