

LICENSING ACT COMMITTEE

23 November 2010

LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

REPORT OF THE STRATEGIC DIRECTOR FOR PLACES

STRATEGIC AIM:	Increasing our culture, sport and recreational offer Maintaining high levels of employment and a thriving local economy Creating a safer community A well managed organisation
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1. PURPOSE OF THE REPORT

- 1.1 This report is to provide information following the consultation on the proposed changes to the Statement of Licensing Policy (the Policy) which the Council is required to undertake every three years.

2. RECOMMENDATION

- 2.1 To recommend that Council approve the updated Statement of Licensing Policy.

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 took place in 2007. A review of the Policy needs to be undertaken and published by the end of December 2010.
- 3.3 The Licensing Act Committee at its meeting on 26 July considered a report on the review of the policy and agreed a number of amendments. Following the Committee's approval of the review and proposed amendments, an 8 week consultation was carried out with a number of organisations and individuals previously approved by this Committee at its meeting on 26 July 2010.
- 3.4 Only one reply to the consultation has been received from Oakham Town Council who did not object to the proposed changes to the Policy.
- 3.5 The revised Policy is attached at Appendix 1.

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.
- 4.3 Proposed changes to the Licensing Act 2003 include removing the requirement to undertake the three yearly review of the Policy. If this occurs it is likely that this is the last time the three yearly reviews will need to be undertaken. At the time of writing this report it is not known when these changes will be brought in.

5. DETAIL OF REPORT

- 5.3 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.

- 5.4 The consultation period ran for 2 months starting from mid August 2010.

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 pursuant to the 2003 Act. Failure to undertake the review could result in a judicial review

8. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	High	The Council has a statutory duty to review, consult, approve and publish its updated Statement of Licensing Policy by the end of December 2010
Viability	Low	The method for undertaking the review of the Statement of Licensing Policy is prescribed.
Finance	Med	The costs associated with this review will be met from existing budgets
Profile	Low	Whilst the Statement of Licensing Policy is a statutory requirement, unless there is an issue related to the Licensing Act 2003 this document has a low profile.
Equality and Diversity	Low	None identified

9. CONCLUSION

- 9.1 With only one reply to the consultation, the Policy can be referred to Council for approval without further amendment.