

# LICENSING ACT COMMITTEE

26 July 2010

## LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

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

- 1.1 This report is to provide information to enable the statutory review of the Statement of Licensing Policy (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 Appendices 1 to 4 attached to this report.**

#### 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.

#### 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 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 it was reviewed in 2007 it is due to be reviewed and re-published by December 2010.
- 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 4

## 5. DETAIL OF REPORT

- 5.1 Officers have carried out an initial review of the Policy based on the experience of administrating 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. However there are a number of minor changes to the legislation and statutory guidance which need to be incorporated into the policy. The changes recommended by officers are detailed in Appendix 2. However, issues may arise through the consultation process which may result in changes being recommended to the policy.
- 5.2 Depending on the Committees decision with regard to the change in the statutory guidance with regard to notifying residential properties of the receipt of a premises application, which is subject to a separate report to be considered by this meeting of the Licensing Act Committee, this may also need to be added to the new Policy.
- 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 is recommended to be 2 months starting from 2<sup>nd</sup> August 2010. This would then allow the replies received to be considered by this Committee at its next meeting on 23<sup>rd</sup> November 2010 and for the revised policy to be considered for approval by Council at its meeting on 6<sup>th</sup> December 2010. A timetable for this review is set out in Appendix 3.

## 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. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	High	The Council has a statutory duty to review, consult, approve and publish it's 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 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 3 will enable the Council to meet its statutory obligation.

### **Background Papers**

Rutland County Council Statement of Licensing Policy  
Guidance issued under section 182 of the  
Licensing Act 2003

### **Report Author**

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A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.