

Report to the Cabinet

Report reference: C/102/2007-08.
Date of meeting: 4 February 2008.



Portfolio: Environmental Protection.

Subject: Licensing Act 2003 - Statement of Licensing Policy (Triennial Review).

Officer contact for further information: Jim Nolan (01992-564083).

Democratic Services Officer: Gary Woodhall (01992-564470).

Recommendations/Decisions Required:

- (1) That Cabinet note the responses to a review of the Council's policy made under the Licensing Act 2003; and
- (2) That the revised statement of policy be adopted for the next three years.

Report:

1. Under the Licensing Act 2003 each Licensing Authority must, in respect of each three year period (starting in 2005) determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of each period.

2. Our current policy has served us well, however, we are duty bound to review it in the light of the legislation. In view of this, officers have recently undertaken a three-month consultation on the present policy to ascertain if any changes were needed.

3. The consultation resulted in two responses both being substantially the same. The results of the consultation are summarised in the following table together with officers comments. The respondents congratulated the Council on an "excellent and concise licensing policy". The relevant changes to the policy have been incorporated and the revised policy, which also lists the consultees, is attached to this report.

Respondent	Comments	Appraisal	Response
British Beer and Pub Association	We should be grateful if your policy could make it clear that in the absence of any representations the licence must be granted and, also, that any representations must be upheld at a hearing.	This was what happens in practice.	A comment to that effect has been added to the policy.
Punch Taverns	That the Council recognise the Hampton principles of inspection and enforcement.	This was what happens in practice.	A comment to that effect has been added to the policy.

4. The Hampton Principles referred to above are as follows:

- (a) regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

- (b) regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most;
- (c) regulators should provide authoritative, accessible advice easily and cheaply;
- (d) no inspection should take place without a reason;
- (e) businesses should not have to give unnecessary information or give the same piece of information twice;
- (f) the few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and
- (g) regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

Statement in Support of Recommended Action:

5. In the light of the comments received following the consultation it is reasonable to conclude that the consultees are substantially happy with the Council's policy.

Other Options for Action:

6. Not to adopt the policy. If the policy is not adopted the Council will not be in a position to determine licensing matters.

Consultation Undertaken:

7. Consultation was undertaken in accordance with the details set out in Appendix 2 of the attached policy.

Resource Implications:

Budget Provision: Existing.

Personnel: Existing.

Land: None.

Council Plan 2006-10/BVPP Reference: None.

Relevant Statutory Powers: Licensing Act 2003.

Background Papers: Licensing Act 2003, Statement of Licensing Policy.

Environmental/Human Rights Act/Crime and Disorder Act Implications: A clear Licensing Policy helps to balance the legitimate needs of businesses and their customers with residents' quiet enjoyment of their properties and environment.

Key Decision Reference (if required): Key Decision – Licensing Policy Review.