

**LICENSING ACT 2003  
STATEMENT OF LICENSING POLICY  
(Report by the Head of Administration)**

**1. INTRODUCTION**

- 1.1 The Licensing Act 2003 fundamentally changes the licensing of certain forms of entertainment and the sale of alcohol in England and Wales. The Act requires the Secretary of State to issue guidance to local authorities on the discharge of their functions under the Act. That guidance was issued in July 2004 and regulations have been made which sets the first appointed day for the receipt of applications by the Council as 7th February 2005.
- 1.2 This is the first of a series of reports which the Council will need to consider in relation to the implementation of the Act prior to the first appointed day.

**2. BACKGROUND**

- 2.1 The Act makes the Council responsible for the licensing of the following activities:-
- (a) the sale and supply of alcohol;
  - (b) the provision of certain forms of entertainment (the majority of which are currently licensed by the Council under separate licensing regimes);
  - (c) the provision of late night entertainment;
  - (d) the licensing of gaming machines on premises licensed for the sale and supply of alcohol.
- 2.2 In carrying out its licensing functions the Council must promote the following objectives specified in the Act –
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 2.3 In addition to the Act and the guidance, a series of statutory instruments have yet to be made covering such issues as the functions of the Licensing Committee, prescribed forms, the level of fees and public notice of applications. It was envisaged that the draft

regulations would be issued for consultation in August with a two months period for comment but these have yet to be published.

- 2.4 The Act requires the Council to establish a Licensing Committee to carry out all of its functions under the Act with the exception of the approval of the Statement of Licensing Policy which is reserved to the Council itself.

### **3. TIMESCALE**

- 3.1 The Act requires the Council to publish a Statement of Licensing Policy with respect to the exercise of its functions which will be valid for a period of three years. In so doing the Council are required to consult with the police and fire authorities, existing licence holders and representatives of businesses and residents in the area.

- 3.2 Regulations have been made which require the Statement to be operational from 7th January 2005 as a result of which the following timescale has been drawn up for the purposes of the consultation exercise –

Licensing and Protection Policy Consideration of draft for consultation	20th September 2004
Cabinet Consideration of draft for consultation	23rd September 2004
Council approval of draft for consultation	29th September 2004
Circulation of draft for comment	4th October 2004
End of consultation period	12th November 2004
Consideration of replies by Licensing and Protection Panel	To be agreed
Consideration of replies by Cabinet	25th November 2004
Approval of policy by Council	8th December 2004

- 3.3 An extensive distribution list for consultation purposes has been compiled with some organisations specifically having requested an opportunity to comment on the formulation of the policy. A copy of the list is available on request from the Council's Democratic Services Section. The draft policy will also be published on the Council's website and an article will be included in the next edition of Business Wide notifying business interests of the consultation period.

### **4. STATEMENT OF LICENSING POLICY**

- 4.1 A draft Statement of Licensing Policy is attached at Annex A which has been prepared having regard to the provisions of the Act and the guidance issued by the Secretary of State. A questionnaire for consultation purposes has also been prepared for circulation with the draft to assist with the evaluation of replies.

## **5. CONCLUSION**

- 5.1 The Act will introduce a significant new responsibility for the Council. Further reports on its detailed implementation will be submitted to the Panel in the period leading up to the first appointed day and as the required statutory instruments are made by Parliament.

## **6. RECOMMENDATION**

- 6.1 The Panel and Cabinet are invited to consider the attached draft Statement of Licensing Policy and consultation questionnaire and to formulate recommendations to Council on their approval.

## **BACKGROUND PAPERS**

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003.

Requests for consultation on formulation of Licensing Policy – available from Democratic Services Section.

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