

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting17th January 2008

1. Title of Item/Report

The Licensing Act 2003 - Review of Licensing Policy

2. Record of the Decision

Consideration was given to a report that informed Cabinet of the results of the consultation regarding the proposed Statement of Licensing Policy required by the Licensing Act 2003.

It was explained that the Licensing Act 2003 required the Council to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2004. The opportunity had been taken to review the policy and remove those sections that dealt with the transitional provisions under the Act that no longer applied and to update contact details etc. It was noted that the policy had received no adverse comments since the transfer of licensing functions to the authority and it was not felt necessary to make any major changes. None of the responsible authorities had requested any changes. Members were provided with a copy of the draft-reviewed policy as sent out for consultation.

Cabinet's attention was drawn to necessary amendments to the Statement ,which had recently been highlighted:-

Para 75 (b) – delete 'Hours ' and replace with 'Powers'

Para 86 – delete 'final' and replace with 'first'

Other minor amendments would be necessary in the contacts section of the statement.

Members were advised that consultation had been undertaken with the following:

- a) Cleveland Police Force;
- b) Cleveland Fire Brigade;
- c) Existing Premise Licence holders;
- d) Existing Club Premise Certificate holders;
- e) Existing Personal License holders;

- f) Representatives of businesses and residents in the Stockton Borough Council area;
- g) The Local Safeguarding Children's Board;
- h) Trade bodies and Associations; and
- i) A number of Solicitors Practices who undertake licensing work in this area.

It was advised that two substantive responses had been received from the trade, from the British Beer & Pub Association and the Association of Convenience Stores. Members were provided with a copy of the responses. The response from the British Beer and Pub Association made both specific points on the draft statement of licensing policy and more generic points. The Association of Convenience Stores was a generic letter sent to all authorities and did not make any points that were not already covered by the draft revised licensing statement of policy.

Members were advised that changes had been made to paragraph 40 and Appendix 1, paragraph 1 to make it clear that the risk assessment was recommended practice rather than a requirement. Paragraph 137 made reference to the Enforcement Concordat and the authorities Regulatory Services Enforcement Policy; these already took account of the Hampton principles and therefore did not require repeating in the Statement of Licensing Policy.

Cabinet noted that Appendix 1 paragraph 4 was not a reference to a cumulative impact policy, the authority did not have one, however, these were factors that Members of the Licensing Committee would take into consideration if they received representations about an application.

It was explained that the Council's Licensing Committee had also considered the second draft Statement of Licensing Policy at their meeting in November 2007 where they had agreed the content of the draft reviewed Statement of Licensing Policy for reference to Cabinet and Council.

It was noted that there had been some discussion between the LGA and the DCMS as to whether or not the adoption/approval of the Statement of Licensing Policy should be an executive or full council function. In order to avoid any doubt and avoid the risk of a judicial review it was considered prudent that both the Cabinet and full Council approve the proposed Licensing Policy Statement.

RECOMMENDED to Council that the draft revised Statement of Licensing Policy be approved.

3. Reasons for the Decision

The Council is required by the Licensing Act 2003 to review its Statement of Licensing Policy every three years, the last statement being agreed in December 2004 and coming into force in January 2005.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

None

7. Date and Time by which Call In must be executed

Not applicable

Proper Officer
21 January 2008