

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 17 December 2008
Report of: Tony Potts – Community Safety Manager
Title: Licensing Act 2003 –
Statement of Licensing Policy

1.0 Purpose of Report

- 1.1 Licensing Authorities must approve and publish a Statement of Licensing Policy in order to carry out functions relating to the licensing of alcohol and entertainment under the Licensing Act 2003. If practicable the Council is required to produce its Statement of Licensing Policy by 1st April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek approval for the Statement of Licensing Policy in its draft form so that the consultation exercise may take place.

2.0 Decision Required

- 2.1 Cabinet is requested to approve the Statement of Licensing Policy in its present draft form for the purpose of undertaking the statutory consultation exercise required by the Licensing Act 2003.

3.0 Financial Implications for Transition Costs

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Licensing Act 2003 as regards the three year period commencing on 7th January 2011. For this reason the statement is not required to be reviewed again until January 2014.

5.0 Legal Implications

- 5.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Licensing Act 2003 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

6.0 Risk Assessment

- 6.1 There is no risk attached to taking the recommended course of action.

7.0 Background and Options

- 7.1 As set out above, the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Licensing Policy since the Act came into force in 2005.
- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence the sale of alcohol, late night refreshment and the provision of regulated entertainment.
- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils.
- 7.4 Should Cabinet approve the draft statement of policy, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority, environmental health and representative groups of licence holders, businesses and residents
- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1st April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.
- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The Committee will then recommend a final draft to Council on 24th February 2009 having taken into account the consultation responses.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Statement of Licensing Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the policy which it proposes to apply when exercising its functions under the Licensing Act 2003; where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

For further information:

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Background Documents:

Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport on 28th June 2007

The Licensing Statement of Macclesfield Borough Council

The Licensing Statement of Congleton Borough Council

The Licensing Statement of Policy of Crewe & Nantwich Borough Council dated 28th November 2007

Documents are available for inspection at:

Macclesfield Borough Council – Legal and Democratic Services, Town Hall, Macclesfield

Congleton Borough Council – Community Safety Dept, Westfields, Middlewich Road, Sandbach

Crewe & Nantwich Borough Council – Licensing Section, Municipal Buildings, Earle Street, Crewe