

CHESHIRE EAST COUNCIL

Cabinet Member for Communities and Regulatory Services

Date of Meeting:	15 th July 2013
Report of:	Miss K Evans – Licensing Team Leader
Subject/Title:	Statement of Licensing Policy Review
Portfolio Holder:	Cllr Les Gilbert - Communities and Regulatory Services Portfolio Holder

1.0 Report Summary

- 1.1 The Licensing Act 2003 requires that Licensing Authorities prepare and publish a statement of policy that they propose to apply when exercising their functions under the Act during the five year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2014. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders. The purpose of this report is to recommend to the Cabinet Member that approval is provided for the statement of principles in its draft form so that the consultation exercise may take place.

2.0 Decision Requested

- 2.1 That the Cabinet Member approves the draft revised policy set out at appendix 1, subject to any amendments, so that the required consultation can be conducted.

3.0 Reasons for Recommendations

- 3.1 To comply with the provisions of the Licensing Act 2003, to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late night refreshment.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

6.1 None identified

7.0 Financial Implications

7.1 The Licensing Authority is required to consult on the revised policy and this will require a number of letters being sent to license holders and other consultees. The cost of letter production and postage is anticipated to be approximately £300.00.

8.0 Legal Implications

8.1 In accordance with Section 5 of the Licensing Act 2003 the Licensing Authority is required to determine and publish a Statement of Licensing Policy.

8.2 The statement of policy forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of policy, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).

8.3 In order to comply with statutory requirements, the following agencies must be consulted:

- Cheshire Constabulary
- North West Fire and Rescue Service
- Planning Services
- Trading Standards (Weights and Measures Inspector)
- Environmental Health
- Local Safe Guarding Children Board
- Health and Safety
- Representatives of the local licensing trade
- Representatives of local businesses and residents

9.0 Risk Management

9.1 Should the Council not adopt a reviewed Statement of Licensing Policy within the required timeframe, all decisions made may be open to challenge.

9.2 Giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final statement of policy.

10.0 Background and Options

10.1 The first Statement of Licensing Policy approved by this Council came into effect in January 2009.

- 10.2 The Statement of Licensing Policy establishes a local framework for decision making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application.
- 10.3 The current Policy is due for review and it is necessary for the Council to undertake a consultation process. In accordance with the statutory timescales the revised policy must be in place to take effect from January 2014.
- 10.4 When the Statement of Licensing Policy has been confirmed and published, subject to any further reviews and necessary consultation, it shall remain in force for a further period of five years (i.e. to January 2019).
- 10.5 It is proposed that the following timescales be applied to allow for the proper consideration of the draft statement of policy:
- Approved for consultation by relevant Cabinet Member
 - Period for consultation – 6 weeks
 - Licensing Committee – 16th July 2013
 - **End of Consultation**
 - Corporate Scrutiny– 10th September 2013
 - Licensing Committee – September/October 2013
 - Confirmed by Cabinet – 11th November 2013
 - To be adopted by Council – 12th December 2013
 - Publication of Policy in January 2014
 - Policy effective from January 2014
- 10.5 The content of the Policy has been discussed with the Chairman of the Licensing Committee. The Policy will be presented to the Licensing Committee during the consultation period.
- 10.6 The consultation will be conducted by way of letter to all statutory consultees and will be held on the Council's website for the full period.
- 10.7 The changes made to the current policy include:
- i. Providing updated and additional information on how the Licensing Authority will promote the Licensing Objectives
 - ii. Taking into consideration recent changes in legislation. Such as the Live Music Act 2012, Late Night Levy, and Early Morning Restriction Orders.
- 10.8 The outcome of the consultation exercise and any proposals to amend the content of the Policy, will be presented to Members of the Licensing Committee in September 2013. The Policy will follow the path laid out in 10.5.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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