

CHESHIRE EAST COUNCIL

Cabinet Member for Safer and Stronger Communities

Date of Meeting: 6th September 2010
Report of: Licensing Manager
Subject/Title: Home Office Consultation – “Rebalancing the Licensing Act”

1.0 Report Summary

- 1.1 The report provides background information in relation to a consultation exercise on proposed changes to the Licensing Act 2003 and invites the Cabinet Member for Safer and Stronger Communities to formulate a response to Home Office consultation.

2.0 Recommendations

- 2.1 That the Cabinet Member for Safer and Stronger Communities
- (1) receive recommendations from the Chairman and Vice-Chairman of the Licensing Committee in relation to the Home Office consultation “Rebalancing the Licensing Act”; and
 - (2) approve a form of response to the Home Office consultation.

3.0 Reasons for Recommendations

- 3.1 The Home Office has published a consultation document in relation to proposals to amend the Licensing Act 2003. The deadline for consultation responses is 8th September 2010.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The Council has adopted a statement of licensing policy in accordance with section 5 of the Licensing Act 2003 (‘the Act’). The current statement of policy took effect on 1st April 2010 and will take effect until such time as it is reviewed. Whilst the Authority is required by section 5(4) to keep its policy under review

and to make such revisions to it, at such times, as it considers appropriate, a reviewed policy must be published no later than 7th January 2014. The proposals within the consultation document, if brought into force by way of changes to legislation and amendments to the section 182 Guidance, may necessitate a review of the statement of licensing policy. When reviewing a policy statement the Council is required to consult the individuals/bodies specified within section 5 of the Act.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Cheshire East Borough Council is the licensing authority for the purposes of section 3 of the Act to the extent of its administrative area. In carrying out its licensing functions under the Act the licensing authority must act with a view to promoting the licensing objectives and must also have regard to its licensing statement and the Guidance issued by the Secretary of State under section 182 of the Act.

9.2 The proposals suggested within the consultation document, if taken forward by the Home Office, would necessitate changes to the Act itself together with secondary legislation made thereunder. It is also suggested that the proposals would also necessitate amendments to the Secretary of State's Guidance. As set out within paragraph 6 above, if adopted, the proposals may necessitate a review of the Council's statement of licensing policy.

10.0 Risk Management

10.1 Not applicable.

11.0 Background and Options

11.1 As the Cabinet Member will be aware, the Licensing Act 2003 came into force on 24th November 2005 and introduced a new system of licensing in relation to the sale of alcohol, the provision of 'regulated entertainment' and late night refreshment.

11.2 In the Coalition Agreement the Government made a number of commitments in relation to licensing, which include a commitment to "overhaul the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems."

- 11.3 On 28th July 2010 the Home Office published a consultation document entitled “Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing.” Paragraph 3.01 of the consultation document, a copy of which is attached as an appendix to this report, states that views are sought on the proposals to deliver the Government’s commitments on alcohol outlined in the Coalition Agreement. Specific consultation questions are posed throughout the document, with a consolidated list at paragraph 11.01 (page 23 of the appendix).
- 11.4 At the meeting, recommendations will be submitted from the Chairman and Vice-Chairman of the Licensing Committee in relation to a response to the consultation.

12.0 Overview of Year One and Term One Issues

- 12.1 None

13.0 Access to Information

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

Name: Mrs K Khan
Designation: Solicitor, Legal Services
Tel No: 01270 685847
Email: kate.khan@cheshireeast.gov.uk