

Agenda item No. 17

Title: **Statement of Licensing Policy 2008**

Reporting officer: **Clive Harland**

Purpose

This report recommends Council approve the Statement of Licensing Policy which will come in to force on 7 January 2008.

Background

The Licensing Act 2003 requires Licensing Authorities to prepare and publish a statement of its licensing policy every three years. The first policy was approved at the end of 2004. The Policy seeks to comply with the Act and the Guidance issued under Section 182 of the Act by the Department of Culture, Media and Sport (DCMS).

The draft policy was considered by the Licensing Committee on the 20 September 2007. Appendix B attached to the policy lists all those who were consulted. The three month consultation period concluded on 14 November 2007, after this report was prepared. Any further responses will be brought to the Council meeting.

Key issues

- Only minor changes have been made to the original policy statement
- Changes have been made in the following areas:
 - clarification of the role of ward members
 - takes account of the Canterbury judicial review (see below) and subsequent legal advice
 - improved clarity of wording
 - updated to reflect other legislative changes made since 2004
- Recommendations made by the Licensing Committee and other consultees have been incorporated in to the revised version
- Most licensed premises continue to operate without significantly affecting the licensing objectives
- The existing policy has not received any criticism to date
- The British Beer and Pub Association (BBPA) and others successfully took judicial review proceedings against Canterbury City Council in 2005. The outcome of the case was that it was held that policies should not prescribe or dictate the contents of applications. In addition it was stated that policies should not imply that there is any discretionary power to consider the merits of applications unless legitimate representations (objections) have been made.

All these issues have been addressed in the revised policy a copy of which is attached to this report.

Effect on strategies and codes

- The licensing policy statement supports the corporate objective of improving our market towns. It also links with the Crime and Community Safety Strategy, improving the street scene and the getting the job done principle of a well planned and focused approach.

Risk management implications

- The Department of Culture, Media and Sport requires the review of the licensing policy every three years. Failure to do this could result in criticism of the Council which could have a detrimental effect on the Council's reputation.

Finance and performance implications

- The licensing policy sets the framework for both local licensing businesses and other organisations, and partners including the police. In addition it impacts on the performance of the licensing team and committee.

Legal and human rights implications

- Advice from the Councils legal team has been incorporated into the policy


Recommendations

It is recommended that Council:

- Approve the Licensing Policy 2008

Background papers

File LL58 'Licensing Act policy review 2007' file kept in the Licensing office G3.

 Plain English guidance given

Clive Harland
Principal Environmental Health Officer