

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Licensing Committee
2.	Date:	15 September 2010
3.	Title:	Licensing Act 2003 – Statement of Licensing Policy
4.	Programme Area:	Neighbourhoods and Adult Services

5. Summary

The purpose of this report is to update and review the authority's formal Policy relating to the Licensing Act 2003.

All local authorities in England and Wales have an obligation to have, and from time to time review, their Policy relating to the Licensing Act 2003. The current statement of Licensing Policy was last reviewed in December 2007.

6. Recommendation

- That the Licensing Committee gives authority to Officers to begin the process of consultation on the draft Statement of Licensing Policy (attached as Appendix A to this report) with all relevant and appropriate parties.

7. Proposals and Details

The Licensing Act 2003 requires local authorities to produce and publish a 'Statement of Licensing Policy'. The Policy is a decision for the full Licensing Committee. The Act also sets out the minimum content of a policy, and the procedure that should be followed in preparing and publishing the policy (including the necessary steps that must be taken when consulting on the licensing policy).

The 'Statement of Licensing Policy' document must be a statement of principles that the licensing authority proposes to apply in exercising their functions under the Act during the three-year period to which the policy applies. All licensing policy statements should promote the licensing objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

Any application would be dealt with on its own individual merits and by reference to the four licensing objectives. The policy covers applications, reviews, transfers and variations of licences for the licensable activities. The licensing authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. In the event of a departure from this policy the licensing authority will give full reasons for the decision to depart.

The Licensable activities covered by the Policy are:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of that club
- The provision of regulated entertainment, and
- The provision of late night refreshment

The local authority is committed to consulting with as wide and varied an audience as possible regarding this and any future policies or any amendments in accordance with the Licensing Act 2003. Before publishing this policy statement, or any review, or amendments, the licensing authority will consult with the Chief of Police for the area, the Fire Authority, any such persons as the licensing authority considers being representative of holders of licences in respect of premises situated in the authority's area and of businesses and residents in its area. The period of consultation is 13 weeks.

8. Finance

The Council is required to consult with a wide variety of stakeholders during the consultation period. Cost effective methods of consultation will be used wherever possible (such as email and web publishing). If appropriate the consultation will be combined with other similar consultations taking place during the same time period (e.g. Gambling Act 2005 Statement of Principles). Any costs associated with the consultation will be met by existing licensing budgets.

9. Risks and Uncertainties

Failure to review, consult on and publish a Statement of Licensing Policy is a breach of the Licensing Act 2003. It is therefore imperative that the process of consultation is commenced without undue delay.

10. Policy and Performance Agenda Implications

The development of an appropriate Statement of Licensing Policy contributes to the priority themes of Rotherham Alive and Rotherham Proud. By regulating unlicensed activities, and promoting the licensing objectives (including the responsible sale of alcohol), the authority also contributing to the NAS priorities of creating safer neighbourhoods, reducing anti-social behaviour and protecting vulnerable adults.

11. Background Papers and Consultation

Licensing Act 2003

Licensing Act 2003 guidance issued by Department of Culture, Media and Sport (DCMS)

Contact Name: Deborah Bragg, Licensing Manager, (3)34524,
deborah.bragg@rotherham.gov.uk