

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet</b>
2.	<b>Date:</b>	<b>6th April, 2011</b>
3.	<b>Title:</b>	<b>Licensing Act 2003 – Statement of Licensing Policy</b>
4.	<b>Programme Area:</b>	<b>Neighbourhoods and Adult Services</b>

### 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 Cabinet approves the attached Statement Licensing of Policy and recommends to full Council that the policy be adopted.**

## 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 proposed Statement of Licensing Policy is attached as Appendix A.

The local authority consulted with a wide and varied an audience as possible regarding the policy or any amendments in accordance with the Licensing Act 2003. This included 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.

Attached as Appendix B is a table of responses received during the consultation process and comments regarding whether the points raised have been included as an amendment to the policy or whether they have not been included and reasons why.

## **8. Finance**

The Council has consulted with a wide variety of stakeholders during the consultation period. Cost effective methods of consultation have been used wherever possible (such as email and web publishing). Any costs associated with the consultation have been met by existing licensing budgets.

## **9. Risks and Uncertainties**

The council is under a statutory obligation to publish and periodically review a statement of licensing principles. Any risks to the council as a result of the adoption of the attached policy are considered to be minimal as the policy is based on guidance from LG Regulation (formerly LACORS).

## **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)  
Attached table of responses received during consultation period (Appendix B).

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