

Title of Report:

## Licensing Act 2003

Item 3

Report to be considered by: Licensing Committee

**Purpose of Report:**

To consider the Licensing Policy Statement required under the Licensing Act 2003 Part 2. 5. (1) (a) (b)

**Recommended Action:**

To adopt the Draft Policy Statement - Version 6.4

**Reason for decision to be taken:**

The Council are required by virtue of the Licensing Act 2003 Section 5 (1) (a) to determine its policy with respect to the exercise of its licensing functions and under sec 5 (10) (b) publish a statement of that policy (a "licensing statement") before the 7<sup>th</sup> February 2005.

**List of other options considered:**

None

**Key background documentation:**

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

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## Supporting Information

### 1. Background

- 1.1 The Licensing Act 2003 was given Royal Assent 17<sup>th</sup> July 2004. This is intended to be a liberalising Act which replaces a number of other Acts, in particular the Licensing Act 1964, the Local Government (Miscellaneous Provisions) Act 1982, Theatres Act 1969, Cinemas Act 1985 and other Acts administered by local authorities and the police.
- 1.2 The Act requires that Licensing Authorities produce a Statement of Licensing Policy in respect of each three year period starting with the first appointed day which is now known to be 7<sup>th</sup> February 2005.
- 1.3 The statement of licensing policy and the guidance to the Act will be the documents which the Licensing Sub Committees must have due regard to, in making decisions regarding applications for licences, variations to licences and deal with representations made against licences and which are subsequently reviewed.
- 1.4 The Council has a duty under the Act to consult widely and in particular with representatives of current licence holders and statutory bodies. It is stated in the guidance to the Act that when undertaking consultation exercises the Licensing Authority should have regard to cost and time but nevertheless must consult.
- 1.5 It is recommended that the period allowed for consultation be from the 15<sup>th</sup> September 2004 to 1<sup>st</sup> November 2004.
- 1.6 The draft policy attached at Appendix 1 is the result of consultation carried out internally and with the Fire and Police Authorities. Officers believe that the document is as comprehensive as possible at this time and should now be presented to a wide range of interested consultees as required by the Act.

## Appendices

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Appendix 1 - Draft Licensing Policy Version 6.4

Appendix 2 – List of proposed consultees

## Implications

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<b>Policy:</b>	The policy once adopted will be the document by which licensing decisions must be considered and no other.
<b>Financial:</b>	There will be financial implications associated with the mailing, collation and consideration of comments received, as a result of the consultation.
<b>Personnel:</b>	None
<b>Legal:</b>	This proposal accords with the requirements of the Licensing Act 2003
<b>Property:</b>	None
<b>Risk Management:</b>	None

## Consultation Responses

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**Local Stakeholders:** N/A

**Officers Consulted:** John Priest, Liz Howlett, David Appleton, Pam Robinson, Brian Leahy, Rachel Craggs, Janet Ashfield

**Trade Union:** None