

Cheltenham Borough Council

Social and Community Overview and Scrutiny Committee - 2 December 2004

Licensing Committee - 3 December 2004

Council – 6 December 2004

Licensing Act 2003: Licensing Policy Statement

Report of the Assistant Director Public Protection / Chairman of the Night Time Economy Strategic Liaison Group

1. Executive Summary and recommendation

- 1.1 The Council has undertaken extensive consultation on the draft Licensing Policy Statement approved by the Social and Community Overview and Scrutiny Committee. All comments made have been considered by the night time economy strategic liaison group and a modified draft together with a schedule of amendments is appended to this report.
- 1.2 The Council is required to have its adopted policy in place no later than 7 January 2005 and, by virtue of the Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004, coming into force on 23 November 2004, the determination of the authority's statement of licensing policy rests with the Council and not the executive.
- 1.3 This report has been prepared for presentation to Social and Community Overview and Scrutiny Committee, Licensing Committee and Council. Comments from either of the Committees will be brought forward to Council.
- 1.4 **It is recommended that:**
 - 1.4.1 **The Social and Community Overview and Scrutiny Committee recommends the revised draft policy to Council for adoption**
 - 1.4.2 **Licensing Committee recommends the revised draft policy to Council for adoption**

1.4.3 Council,

- i) approves and adopts the revised draft Licensing Policy Statement including the delegation scheme which is included at Appendix A (page 36 of the policy) and the Guide to Probity in Licensing; and,**
- ii) confirms that in accordance with policy B1 the Licensing Policy Statement remain in force until January 2008 with a programmed review in 2007-08 unless there is a need to review and update the policy sooner.**

1.5 Summary of implications – please refer to the enclosed copy of the report that was considered by the Social and Community Overview and Scrutiny Committee on 13 September 2004 (Appendix A)

1.6 Links to Business Plan and Corporate Objectives

- 1.6.1 Reducing crime and disorder and the fear of crime in our communities is a top corporate priority. By engaging the Crime and Disorder Reduction Partnership, local businesses, residents and key partner agencies in the formulation of the Licensing Policy Statement, we will ensure that it is well thought out and solutions reached that take full account of crime and disorder implications.
- 1.6.2 The Licensing Policy Statement will be a key document to underpin the Council's Night Time Economy Strategy and will work towards fulfilling our obligations under Section 17 of the Crime and Disorder Act 1998.

1.7 Statement on Risk

- 1.7.1 Uncertainties about licensing income levels with the adoption of national charging rates are identified at corporate, group and divisional level with a risk score of 16.
- 1.7.2 Service capacity to sustain new licensing duties is identified as a divisional risk with a score of 9. This risk has, however, been mitigated with the inclusion of an additional £100,000 in the current financial year.

2. Background

- 2.1 Please refer to the enclosed copy of the report that was considered by the Social and Community Overview and Scrutiny Committee on 13 September 2004 (Appendix A)
- 2.2 The draft policy was approved as a consultation draft by the Social and Community Overview and Scrutiny Committee on 13 September 2004. It was published on the council's website and circulated extensively to relevant stakeholders as summarised in Appendix B.
- 2.3 These responses were considered by the night time economy (NTE) community strategic liaison group at meeting held on 13 October and 11 November 2004. Cllr Duncan Smith as chair of the NTE group will present the amended policy and report on the group's deliberations to the Social and Community Overview and Scrutiny Committee and to Council.

Background Papers	DCMS guidance issued under s182 of the Licensing Act 2003 National Pubwatch Good Practice Guide Information and advice from LACORS website DCMS/Home Office/Crime Reduction websites
Contact Officer	George Rowlinson, Assistant Director Public Protection, 01242 264 214, george.rowlinson@cheltenham.gov.uk Derek Perry, Licensing Services Manager, 01242 774 921, derek.perry@cheltenham.gov.uk ,
Accountability	Councillor Lloyd Surgenor Councillor Pat Thornton Joint Deputies for Public and Environmental Protection
Scrutiny Function	Social and Community Overview and Scrutiny Committee

Report considered by the Social and Community Overview and Scrutiny Committee on 13 September 2004 - Appendix A

Summary of consultees – draft licensing policy statement – Appendix B

Consultation Responses – Appendix C

(the file will be available at the committee meeting)

Licensing Policy Statement - Draft for adoption – Appendix D