

**LICENSING AND SAFETY COMMITTEE
1 FEBRUARY 2007**

**REVIEW OF LICENSING POLICY
(Director of Environment & Leisure)**

1 PURPOSE OF DECISION

- 1.1 The Council is required under the Licensing Act 2003 to review and consult upon its Licensing Policy at least once in every 3 years. The present Policy was published on 7 January 2005 and therefore must undergo a review and be re-published on or before 6 January 2008.
- 1.2 The purpose of this report is to advise the Committee on a proposed timetable to enable this legal requirement to be implemented.

2 RECOMMENDATION

- 2.1 That the Committee notes the proposed timetable as set out in 4.4 to this report for the Review of the Licensing Policy.**

3 ADVICE RECEIVED FROM

Borough Solicitor

- 3.1 The legal implications are including within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from this report.

Impact Assessment

- 3.3 There are no direct consequences of the report for any group and no direct community safety implications.

Strategic Risk Management Issues

- 3.4 There are no strategic management issues identified.

4 SUPPORTING INFORMATION

- 4.1 By virtue of Section 5 of the Licensing Act 2003, the authority must in respect of each 3-year period:

- (a) determine its policy with respect to the exercise of its licensing functions and
(b) publish a statement of that policy before the beginning of the period.

- 4.2 The Secretary of State, through regulations namely the Licensing Statement Period Order 2004 SI 2362, set the 3-year period for the purpose of Section 5 as from 7 January 2005 to 6 January 2008.

- 4.3 Before determining its policy for a 3-year period, the Council must consult with those persons listed within the Act. In addition it is recommended that consultation should be in accordance with Government best practice as set out in "Code of Practice on Consultation" January 2004. Included within that document is a requirement to allow a minimum period of 12 weeks for written consultation at least once during the development of a policy. Whilst this is not a legal requirement, a failure to comply with the Code could be grounds for a subsequent legal challenge to the policy.
- 4.4 To enable the Licensing Policy to be reviewed and published in accordance with the legislation, the following timetable is recommended.
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|------------------------|--------------------------------------------------------------------------------------------------------------------|
| 19 April 2007 | Report to the Licensing and Safety Committee on proposals for consultation |
| 20 April – 1 June 2007 | Internal consultation |
| 14 June 2007 | Start date for public consultation |
| 5 July 2007 | Report to the Licensing and Safety Committee on consultation |
| 6 September 2007 | End of public consultation |
| 4 October 2007 | Report to Licensing and Safety Committee on the consultation together with a Draft Policy for comment and approval |
| 23 October 2007 | Report to Executive for approval to take Draft Policy to Full Council |
| 28 November 2007 | Draft Policy to Full Council |
| 6 January 2008 | New Policy published |
| 7 February 2008 | New Policy implemented |
- 4.5 It is intended that the Policy Review will be carried out within existing resources.

Background Papers

None

Contact for further information

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