

**LICENSING AND SAFETY COMMITTEE
4 OCTOBER 2007**

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

1 INTRODUCTION

- 1.1 The provisions of the Licensing Act 2003 require that the Council must have a Licensing Policy in place and must review that policy every 3 years.
- 1.2 The existing Policy came into effect in January 2005 and must therefore be reviewed and republished by January 2008. A process of consultation on the Policy started on 14 June 2007 and ended on 6 September 2007. Attached to the report as Annex C are copies of correspondence received as part of that consultation process. The purpose of this report is to bring the Policy, with suggested changes, to the Committee for comment prior to approval by Full Council on 28 November 2007 and publication in January 2008.

2 RECOMMENDATION

That the Committee

- i) notes the proposed changes to the Licensing Policy**
- ii) agrees that the revised policy be put forward to**
 - a) The Executive on 23 October 2007 and**
 - b) Full Council on 28 November 2007 for approval.**

3 ADVICE RECEIVED FROM

Borough Solicitor

- 3.1 The legal implications are included within the report.

Borough Treasurer

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

Impact Assessment

- 3.3 Impacts identified have been included within the Policy.

Strategic Risk Management Issues

- 3.4 The Policy can be subjected to legal challenge which may put the Council at financial risk. The previous policy was subjected to examination by Legal Counsel before adoption. The changes proposed to the new policy are not significant and all changes have taken into account those principles put forward by Counsel during the last Policy approval.

4 SUPPORTING INFORMATION

- 4.1 Section 5 of the Licensing Act requires a Licensing Authority to prepare and publish a statement of its Licensing Policy every 3 years. The Policy must be published and in force before the Authority carries out any licensing function under the Act. The existing Policy expires on 6 January 2008.
- 4.2 Before determining its Policy for any 3-year period, the Licensing Authority must consult with Responsible Authorities, persons or bodies representing local licence holders and persons/bodies representing businesses and residents within the area. Officers can confirm that consultation was carried out in accordance with the statutory requirements and the Cabinet Office Consultation Guidance by publication on the Bracknell Forest website and targeted correspondence to responsible authorities and licence holders.
- 4.3 Attached as Annex A to this report is the existing Policy and at Annex B the proposed Policy. Annex B is marked to show changes to Annex A, together with comments as to why those changes are suggested.
- 4.4 The comments received as part of the consultation process and attached as Annex C have been considered and where appropriate included within the Policy. Some of the comments received, however, were not in fact relevant to the Policy, but are controlled directly by legislation and therefore outside the scope of this review and were therefore disregarded.

Background Papers

Licensing Policy 2005

Licensing Act 2003

Section 186 Guidance to Licensing Act

Cabinet Office Guidance on Consultation

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Doc Ref

Secs1: cttcs\licensing & safety\2007\oct\review of licensing policy\31.8.07(4)