

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: THE COMMITTEE OF THE LICENSING AUTHORITY- 16
NOVEMBER 2010

BY: HEAD OF COMMUNITY & NEIGHBOURHOOD SERVICES

SUBJECT: Licensing Act 2003

PURPOSE: To consider representations received following consultation on the draft Licensing Policy Statement and recommend a final Policy Statement to full Council for approval

1.0 INTRODUCTION

1.1 The Licensing Act 2003 places a duty on the Licensing Authority to have in place and publish a Licensing Policy Statement at least once every three years. We currently have such a statement which came into force and published in January 2008 and needs to be reviewed. We have consulted comprehensively. The 3 month consultation period has now ended.

2.0 REPRESENTATIONS

2.1 At the time of writing the report, we have only received one comment from the British Beer and Pub Association [BBPA} . This is not a true representation as the correspondence says *'we (BPPA)...are not replying formally to all authorities unless we have specific issues. However you may be interested in seeing a letter which includes a number of general points which we would appreciate you taking on board when reviewing licensing policies'*

2.2 These comments are attached at **Appendix A** to this report.

2.3 Officers have looked at these comments/advice and whilst they are sensible and have merit, it is not felt that the policy should be changed to reflect these. It is also assumed that as the BPPA have not raised any targeted issues, then they do not have any specific issues with the policy.

3.0 STATEMENT OF PRINCIPLES

3.1 The proposed revised Licensing Policy Statement has been produced accordingly and is contained at **Appendix B** to this report. The LACORS template has been used as a base for the policy. Changes have been made and agreed at the Lincolnshire Licensing Liaison group. Therefore the proposed policy is broadly in line with other licensing authorities policies in Lincolnshire.

4.0 LEGAL & FINANCIAL IMPLICATIONS

4.1 We are under a legal duty to produce and publish a Licensing Policy Statement under the Licensing Act 2003 at least once every 3 years. The current policy statement took effect in January 2008. Therefore a new Licensing Policy Statement will need to be approved and published prior to January 2011 If this is done (and no additional specific requirements are

placed into the policy that would be unlawful), there will be no legal or financial implications for South Holland District Council associated with the report or recommendations. Approval must be carried out by full council. Failure to approve and publish such a statement may lead to judicial review.

5.0 STAFFING IMPLICATIONS

5.1. There are no staffing implications associated with this report.

6.0 EQUALITY & DIVERSITY

6.1 An equality and diversity impact assessment has been undertaken for this policy. The findings of this assessment conclude that the policy statement does not create any adverse impact on these grounds.

7.0 RECOMMENDATIONS

7.1 **That the committee direct officers on any changes they wish to make (if any) in respect of the final statement of principles and recommend it be placed before full council for approval and publication.**

Background papers:- Existing Licensing Policy Statement
Guidance issued under Section 182 of the Licensing Act 2003

File Ref: CF/8.10.10/report to approve licensing act policy statement
Appendices: Appendix A - Copy of advice received
Appendix B - Proposed Licensing Policy Statement

Local Government (Access to Information) Act
1985

Please contact Craig Fowler, the Team Leader, Food Safety & Licensing if you want more information about this report or the background papers. You can contact him:

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