

Meeting: COUNCIL

Agenda Item:

Date: 5 December 2007

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LICENSING POLICY 2008 - 2011

Lead Officer - Emma Rose Ext No. 2271

1 PURPOSE

To approve the Licensing Policy 2008 - 2011 attached at Appendix A. It is a statutory requirement to publish the revised policy by 7th January 2008.

2 RECOMMENDATIONS

The Council, as Licensing Authority, approve the reviewed Licensing Policy 2008-2011, attached at Appendix A.

Approval of the Policy will give statutory authority to the Council as the Licensing Authority to apply the Licensing Policy as reviewed.

3 BACKGROUND

The Licensing Act 2003 created a new licensing regime in respect of liquor licensing and late night refreshment establishments. The Act set out four licensing objectives which are:

- (a) The prevention of crime and disorder.
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm.

The Policy is intended to cover the matters that the Licensing Authority will require applicants to refer to, so that a proportionate determination can be made based on the activities they require, the size of the venue, its location and other persons who live and work in the area. The Licensing Policy will be used to determine all future licensing decisions and must be taken into consideration by any court determining appeals.

Section 5 of the Act requires the Licensing Authority to approve and publish a Statement of Licensing Policy for the Borough. The first Statement of Licensing Policy was approved on the 8th December 2004 by full Council. The legislation requires the Policy to be reviewed every three years. This requires formal consultation, which ended 16th November 2007, full

Council approval and to be published by the 7th January 2008. The amendments to the original policy cover the following:

- Updates and amendments on legislative and regulatory matters in particular fire safety, occupancy and smoking;
- Deletion of matters that are out of date particularly those relating to the transitional provisions or are repetitive;
- Correction of formatting and spelling errors;
- Updates to reflect the implementation of the Hertfordshire Enforcement Protocol;
- Amendments to take account of the Guidance issued under section 182 of the Licensing Act 2003 that came into force on the 28th June 2007.

4 REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS

To commend the Review of the Statement of Licensing Policy and its publication in the post consultation form, as attached at Appendix 1.

5 IMPLICATIONS

5.1 Financial Implications

The costs associated with the development and adoption of the Licensing Policy Statement have been met from within existing budgets.

5.2 Legal Implications

The Statement of Licensing Policy cannot be applied without formal approval and must be published by the 7th January 2008. The revised Licensing Policy is to replace the current policy and whilst it does not contain any significant changes it still requires approval by full Council.

5.3 Policy Implications

The Statement of Licensing Policy makes reference to other strategies and policies of the Council, which will be taken into account when considering a licence application.

5.4 Community Safety Implications

The Licensing Objectives are the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. These objectives fit well with the Community Safety Strategy.

BACKGROUND

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

Appendix A - Draft Licensing Policy 2008 - 2011