



Borough of Oadby & Wigston

COUNCIL

11 December 2007

LICENSING ACT 2003 – REVIEW OF POLICY

Report of: Chief Executive
Author: Licensing Officer

Report Number:

NON-EXEMPT

This report is likely to be considered while the meeting is open to press & public

Summary:

As a requirement of the Licensing Act 2003 each Local Authority was required to publish a statement of licensing policy to take effect from 7 January 2005 and to review and re-publish the statement of licensing policy every three years. This report presents the reviewed policy which Officers have prepared after consultation and seeks Council's approval for adoption.

Recommendations:

Members resolve to adopt the reviewed statement of licensing policy

Level of delegation: Council

Wards affected: All

Comments of Statutory Officers:

Head of Paid Service:

Proper Officer for Financial Affairs: none received

Monitoring Officer: comments incorporated within report

Appendices Attached: Appendix A

Impact Assessments:

Health: No direct impact

Environment: No direct impact

Community Safety: It has been stated by the Government that the new Act will clamp down on crime, disorder and anti-social behaviour.

Human Rights: The Act aims to delegate powers down to Council rather than a non-elected body in order to make the process more accountable to the public.

Equal Opportunities: As above

Risk Assessment: N/A

Commentary:

Under the Licensing Act 2003 "the Act" the Council is the Licensing Authority responsible for the licensing of alcohol, entertainment and late night refreshment within the Borough.

The original policy was agreed by Council in December 2004 and came into force in February

2005 .

Under Section 5 (1) of the Act, in its capacity as the Licensing Authority, the Council is required to carry out a formal review and re-publication of its Statement of Licensing Policy every three years.

The purpose of the policy is to set out the principles that the Licensing Authority will generally apply to promote the four licensing objectives when making decisions on applications for licences made under the Act. The four licensing objectives are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The existing policy has generally been well received by all parties and has served this Council well over the past 3 years consequently the reviewed policy is broadly similar to the existing policy.

As required by the Act, the review involved a wide ranging consultation including the Responsible Authorities; the licence holders; representatives of business and residents in the Borough; local and national interest groups. The timetable for this exercise took place between 20 August 2007 and 23 November 2007. A letter was sent to all consultees inviting a response via the Council's website.

A total of 13 responses were received. The Police have requested the Saturation policy relating to Off licences in South Wigston and Wigston to remain in place due to the ongoing reports of drunken youths in the areas and the volume of alcohol which is confiscated from youths in public spaces.

Other relevant comments from other Responsible Authorities and other consultees have been incorporated into the attached reviewed policy. All changes, including those to reflect current guidance issued by the Department of Culture, Media & Sport, are shown in bold italics for ease of reference for members.

Seven responses to the questionnaire were received from Licence Holders in the Borough and all indicated that they were satisfied with the draft policy.

Background Papers referred to in compiling this report: Licensing Act 2003; Guidance of Department of Culture Media & Sport June 2007