

Report of	Meeting	Date
Corporate Director of Governance	Council	18 December 2007

STATEMENT OF LICENSING POLICY – TRIENNIAL RENEWAL

PURPOSE OF REPORT

1. To ask Members to approve the tri-annual policy as required by the Licensing Act 2003.

RECOMMENDATION(S)

2. Members are asked to approve the amended policy.

EXECUTIVE SUMMARY OF REPORT

3. The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every three years. The Policy must be published before the authority carries out any licensing function in relation to applications made under the Act. The Statement of Licensing Policy sets out factors that will be taken into account when determining applications under the Act.
4. The Council as licensing authority must have regard to the Secretary of State's guidance when making and publishing its policy. Departure from the guidance could give rise to an appeal or judicial review, and the reasons for so departing would be a key consideration for the court when considering the lawfulness and merits of any decision. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that they should be able to give reasons for departing from their published statement of licensing policy.
5. Were revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the local policy statement is inconsistent with the Guidance, for example during any consultation by the licensing authority. In these circumstances, the licensing authority should have regard, and give appropriate weight, to the Guidance and its own licensing policy statement.
6. The current licensing policy document has been regularly reviewed by the Licensing Section and minor alterations made to reflect any changes in legislation and the revised guidance issued by the Secretary of State on 28 June 2007. In accordance with the Cabinet Office Code of Practice the policy has been subject to consultation and an invitation to comment/amend has been circulated to the consultees listed in Appendix 4 to the draft Statement of Licensing Policy.

7. The period of consultation ended on 1 December 2007 and the only changes to the policy are of a minor nature and can be summarised as follows:

Paras

- 6.9 & 6.10 (best bar none and drink promotions);
- 10.5 (staff training);
- 11.3 (advertising at film performances);
- 14.8 & 14.9 (public health messages);
- 15.3 (planning and building control)
- 27.3 (temporary event notices);
- 30.1 & 30.3 (pavement café design guide).

All representations made following the consultation are available for inspection at the Licensing Office.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. It is a requirement for the Council to publish its Statement of Licensing Policy every three years, the next period of three years commencing on 7 January 2008.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Officers have considered the changes suggested by consultees and have incorporated all suggestions in the draft policy. The option of not including the changes has been considered and rejected.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities	4	Ensure Chorley is a performing Organisation	4

BACKGROUND

11. The current Statement of Licensing Policy will last until 6 January 2008. In accordance with the Licensing Act 2003 a new Statement of Licensing Policy must commence on 7 January 2008 following the consultation period described previously in this report.

IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

13. The renewal of the Council's Statement of Licensing Policy is a legal requirement and must take effect from 7 January 2008.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

Background Papers			
Document	Date	File	Place of Inspection
Current Statement of Licensing Policy	January 2005		Licensing Office
Guidance issued under Section 182 of the Licensing Act 2003			Licensing Office
Draft Statement of Licensing Policy	January 2008		Attached to report
Representations made following consultation	September to December 2007		Licensing Office

Report Author	Ext	Date	Doc ID
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