

**LICENSING COMMITTEE : 10 October 2006**

**Report of the Chief Strategic Planning and Environment Officer**

**SOUTH WALES POLICE UPDATE ON THE LICENSING ACT 2003**

**1. Background**

- 1.1 Under the provisions of Section 13 of the Licensing Act 2003 the chief officer of police for any police area in which a premises is situated is designated as a responsible authority. The Act provides the police with a number of rights, duties and powers including the right to be consulted by the licensing authority, the duty to make representations and objections and to enforce the requirements of the law.
- 1.2 The role of South Wales Police in making representations and enforcing the law has been a major factor in the successful implementation of the Licensing Act in Cardiff. Chief Superintendent Martyn Jones has been requested to make a presentation to the Committee to provide details for the information of members.

**2. Achievability**

This report contains no equality personnel or property implications.

**3. Legal Implications**

- 3.1 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

**4. Financial Implications.**

The licensing service is financed from nationally set licence application fees. There are no financial implications arising directly from this report.

**5. Recommendation**

It is recommended that the presentation from South Wales Police be considered.

**SEAN HANNABY**

**4 September 2006**

**CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER**

This report has been prepared in accordance with procedures approved by Corporate Managers.