

**Statement of Licensing Policy 2021-2026**

<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**Executive Summary**

The report asks Members to agree the Council's Draft Statement of Licensing Policy for the five year period 7 January 2021 to 6 January 2026 giving consideration to any consultation responses that may have been received.

**Purpose of Report**

The Council's current policy is valid until 6 January 2021. The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy which sets out the framework that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

**This report makes the following recommendations to this Committee:**

1. That Licensing Committee recommend to full Council the approval of the Statement of Licensing Policy at Appendix 1

**Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	19 <sup>th</sup> November 2020
Council	9 <sup>th</sup> December 2020

# Statement of Licensing Policy 2021-2026

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Senior Licensing Officer
<b>Cross Cutting Objectives</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Senior Licensing Officer
<b>Risk Management</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Senior Licensing Officer
<b>Financial</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified.</i></li> </ul>	Senior Licensing Officer
<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Senior Licensing Officer
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>Section 5(1)(a)(b) of the Act requires each Licensing Authority to determine and publish a Licensing Policy Statement and review on an ongoing basis, within a five year period. Adoption of the Policy Statement is a Council function which cannot be delegated to a Committee or Sub-Committee.</i></li> </ul>	Robin Harris
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified</i></li> </ul>	Senior Licensing Officer
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>The consultation process was completed in line with the legislative requirements and provision made for any persons to provide comments on the policy in any format that they wish.</i></li> </ul>	Senior Licensing Officer
<b>Public Health</b>	<ul style="list-style-type: none"> <li><i>An effective and fit for purpose Licensing Policy helps to ensure that residents within the district and those visiting are safe and reduces the risk of health implications in relation to premises which require a license.</i></li> </ul>	Paul Clarke
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li><i>It is noted that the Licensing of premises plays a key role in ensuring that any crime and disorder can be managed appropriately and ensures that a robust process is in place to enable the management of this. This</i></li> </ul>	Senior Licensing Officer

	<i>policy seeks to ensure that this process can happen effectively.</i>	
<b>Procurement</b>	<ul style="list-style-type: none"> <li><i>No implications have been identified.</i></li> </ul>	Senior Licensing Officer

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Licensing Act 2003 (the Act) requires the Council, in its role as a licensing authority, to draft, consult on and publish a statement of licensing policy at least every five years.
- 2.2 The Council's current Policy is in force until 6 January 2021 and the new Policy must be agreed and in place by 7 January 2021 in order to continue to process applications covered by the Licensing Act 2003.
- 2.3 This Policy Statement if agreed will be presented to Full Council on the 9 December 2020 for approval, and will take effect from 7, January 2021 remaining in force for a period of five years. It can be subject to regular review by the Council.
- 2.4 Although largely unchanged, the policy has been updated to ensure it is relevant to Maidstone in 2021 and beyond. The content of the Policy follows the statutory guidance set out by the Secretary of State and is supported with local content which is appropriate and relevant for each authority.
- 2.5 The draft 'Statement of Licensing Policy' is detailed in full at Appendix 1. The consultation draft document was before members at Licensing Committee on 17 September 2020. Before determining its policy the Act places a duty on the Authority to consult with prescribed persons. This consultation has taken place. There were no responses to the consultation and as a result the policy does not require amendments.

## **3. AVAILABLE OPTIONS**

- 3.1 There are no available options to the Council – Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy for publication at least every five years. The current policy is due to expire on 6 January 2021.

---

## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy for publication at least every five years. This enables the Licensing Authority to have a secure foundation on which to determine applications in a way that

clearly promotes the licensing objectives. Members are asked to recommend to full Council the approval of the Statement of Licensing Policy

---

## **5. RISK**

- 5.1 Failure to adopt and or review a Statement of Licensing Policy would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Licensing Act 2003.
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The consultation ran for 6 weeks from 28 September 2020 to 9 November 2020, no comments have been received. Committee feedback from the meeting of 17 September 2020 were incorporated into the document before consultation commenced.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Policy is approved by Members this Statement will be presented to Full Council on 9 December 2020 for adoption taking effect from 7 January 2021. The minutes of the meeting will be placed on the Council's website.
- 

## **8. REPORT APPENDICES**

1. Draft Statement of Licensing Policy 2021-2026
- 

## **9. BACKGROUND PAPERS**

Licensing Act 2003 -

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

S.182 Guidance issued to Licensing Authorities -

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Current Statement of Licensing Policy 2015