

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

26 AUGUST 2010

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris and Lorraine Neale

1. STATEMENT OF LICENSING POLICY

1.1 Issue for Decision

1.1.1 To consider the three yearly review of the statement of licensing policy and to agree a revised draft for consultation purposes.

1.2 Recommendation of Head of Democratic Services

1.2.1 That the draft Statement of Licensing policy attached to the report is considered and agreed for consultation purposes.

1.3 Reasons for Recommendation

1.3.1 The committee will recall that the Licensing Act 2003 requires the Council to review and agree any changes to its statement of licensing policy at least every 3 years. In the last 3 years there has been significant changes in the world of licensing including minor variations and Councillors being classed as interested parties. All of the changes made to the policy are highlighted in red and is attached to this report.

1.3.2 It is for the committee at this meeting to agree a draft statement of licensing policy for consultation purposes. The next stage will be the consultation period which will commence from 6 September and will be for the period leading up to the committee meeting on 18 November. The committee will then consider any comments/observations made and then agree a statement for submission to the council meeting on 15 December with the intention that the statement will be agreed in time for the new year.

1.3.3 As the committee will see from the other item on the agenda the Home Office paper on Rebalancing the Licensing Act the government is proposing significant change in this area. If these changes were enacted the policy would need to be looked at again in the new year or

there may be no further need for such a policy if this requirement is removed.

1.3.4 The consultees on the statement will be:-

- a) Kent Police and the British Transport Police
- b) Kent and Medway Fire and Rescue Authority
- c) Persons/bodies representative of persons who will become local holders of premises licences
- d) Persons/bodies representative of persons who will become local holders of club premises certificates
- e) Persons/bodies representative of persons who will become local holders of personal licenses
- f) Persons/bodies representative of business and residents in the area

In addition all Borough Councillors and all Parish Councils will be consulted.

1.4 Alternative Action and why not Recommended

1.4.1 The committee could decide not to review the statement but to do so would mean it was not complying with the Licensing Act 2003.

1.5 Impact on Corporate Objectives

1.5.1 There is no specific impact on corporate objectives.

1.6 Risk Management

1.6.1 If the committee does not take action to review it would not be complying with government legislation.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety

X

- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 The legal implications are covered in the report

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Statement of Licensing Policy

1.8.3 Background Documents

1.8.4 Licensing Act 2003

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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