

Licensing Committee

26 November 2015

Is the final decision on the recommendations in this report to be made at this meeting?

No

Draft Statement of Licensing Policy

Final Decision-Maker	Council
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That Licensing Committee recommend to full Council the approval of the Statement of Licensing Policy at Appendix A with the authority of the Head of Housing and Community Services to make any amendments identified in Appendix B.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Meeting	Date
Policy and Resources Committee	N/A
Council	9 December 2015
Other Committee	N/A

Draft Statement of Licensing Policy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 requires that, at least every 5 years, the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply when exercising its licensing functions under the Act.
 - 1.2 The Council's current Policy Statement took effect from 2010 but there have been a number of changes made necessary as a result of wide ranging reforms to the Licensing Act 2003. In light of those amendments, this new draft policy forms a secure foundation on which to determine applications in a way that clearly promotes the licensing objectives.
 - 1.3 This Policy Statement if agreed will be presented to Full Council on the 9 December 2015 for approval, and will take effect from 7, January 2016 remaining in force for a period of five years. It can be subject to regular review by the Council.
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2. INTRODUCTION AND BACKGROUND

- 2.1 In its role as the Licensing Authority under the Licensing Act 2003, the Council has a duty to prepare, and keep under review its Statement of Licensing Policy. This sets out how the authority approaches its responsibilities under the Act. There have been a range of legislative and other changes that necessitate revision of this policy and the statutory requirement to review our policy every five years is now due.
- 2.2 Section 5 of the Licensing Act 2003 (the Act) states that –

*"5 (1) each Licensing Authority must in respect of each 5 year period
(a) Determine its policy with respect to the exercise of its licensing functions and;
(b) Publish a statement of that policy before the beginning of that period."*
- 2.3 Underpinning this obligation are the four statutory Licensing Objectives, which must be promoted in carrying out the authority's licensing functions. These are:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 2.4 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued

under Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities throughout the County.

- 2.5 The draft 'Statement of Licensing Policy' is detailed in full in Appendix A. The Consultation draft document was before members at Licensing Committee on 11 June 2015 and has since been consulted on and this report sets out the responses to the consultation and suggested amendments as a result (Appendix B). The Draft Statement of Licensing Policy attached includes the amendments that have been suggested as part of the consultation process.

3. AVAILABLE OPTIONS

- 3.1 The Council could choose not to review and agree a revised policy but a failure to adopt a revised policy in early 2016 would be in breach of statutory requirement and put the authority at risk of legal challenge to decisions made under an out of date policy.
- 3.2 In any event the current policy does not reflect the impacts of the amendments to legislation and requires updating to support the licensing decision making process

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The authority needs to revise the current policy to meet statutory requirements, ensure coverage of the changes in the legislation and to set out how the Authority intends to approach its licensing responsibilities ;in particular what it expects from management of different types of licensed premises in their business activities and how they intend to promote the four licensing objectives.

By being open and transparent in the approach taken in administering the licensing regime the public can see the efficiency of the service and have confidence in the decision making process.

5. Responses to the consultation

- 5.1 The draft 'Statement of Licensing Policy' was sent to various recipients including responsible authorities, parish councils, district councillors , representatives of the trade, local business and the general public. Two responses to the draft 'Statement of Licensing Policy' have been received these are detailed in full in Appendix B. These responses have been considered and the suggested amendments considered necessary are set out

at App B and within the draft policy for Licensing Committee approval for recommendation to Full Council to reflect those responses.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once Licensing Committee agree to the Draft Statement of Licensing Policy attached becoming the final Document it will go to Council on the 9 December 2015 for formal adoption.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Contained in the body of the report	[Head of Service or Manager]
Risk Management	Contained in the body of the report	[Head of Service or Manager]
Financial	None identified	[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal	Noted within the report	[Legal Team]
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety	Noted in the report	[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of

		Service & Manager]
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix A - Draft Statement of Licensing Policy

Appendix B - Feedback from Draft 'Statement of Licensing Policy' consultation

9. BACKGROUND PAPERS

Section 182 Guidance -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf.