

MAIDSTONE BOROUGH COUNCIL

COUNCIL

9 DECEMBER 2020

REPORT OF THE LICENSING COMMITTEE HELD ON 19 NOVEMBER 2020

STATEMENT OF LICENSING POLICY 2021-2026

Issue for Decision

The Council's current Statement of Licensing Policy is valid until 6 January 2021. The Licensing Act 2003 requires the Council to publish this 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.

Recommendation Made

That the Statement of Licensing Policy 2021-2026, as shown at Appendix 1 to the report, be approved.

Reasons for Recommendation

The Licensing Act 2003 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.

The Council's 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.

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.

The draft 'Statement of Licensing Policy' is detailed at Appendix 1. A 6-week public consultation occurred between 28 September 2020 to 9 November 2020. There were no responses to the consultation and as a result the Policy did not require amendment.

Alternatives Considered and Why Not Recommended

None - 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. Failure to do so 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.

Background Documents

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-memorandumrevised-guidance-issued-under-s-182-of-licensing-act-2003>

Current Statement of Licensing Policy 2015

Appendices

Appendix 1 – MBC – Draft Statement of Licensing Policy, Exp. Jan 2026.