

Licensing Committee Meeting	Agenda Item: 4
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Meeting Date	Thursday 21 January 2010
Report Title	Statement of Licensing Policy Review: Consultation response and final Draft Policy.
Portfolio Holder	Cllr John Morris
SMT Lead	Mark Radford
Head of Service	Monica Blades-Chase
Lead Officer	Michael Moss
Key Decision	No
Classification	Open
Forward Plan	Reference number:

Recommendations	1. Approval of the draft Revised Licensing policy.

Purpose of Report and Executive Summary

- 1.1 This report presents the final draft revised policy (Appendix I) and details the response of the consultation period the Licensing Authority took to formally revise their Statement of Licensing Policy.

2 Background

- 2.1 Swale Borough Council, as a Licensing Authority must produce a Statement of Licensing Policy to identify how applications under the Licensing Act 2003 will be considered. Three years after being adopted the Licensing Authority is under a duty to formally review the Policy; in October 2007 a consultation on the existing statement of Licensing Policy was undertaken, a report was produced, but there is no record of it being formally adopted by full Council.
- 2.2 Due to changes in the Licensing Act and the council's own implemented strategies; a revised Statement of Licensing Policy was produced and brought to full Council on 2 December 2009 and went out for formal consultation on Wednesday 9 December 2009.

3 Proposal

- 3.1 Representations on the revised draft Policy shall continue to be accepted up until noon on 18 January 2010, this report was produced on 6 January 2010. Details of

the responses made to date have been attached as Appendix II. The additional information received between 7 January and 18 January 2010, will be sent to each Councillor prior to the Licensing Committee on 21 January 2010.

- 3.2 The Licensing Committee are asked to review the representation and the final revised draft copy, and determine whether to approve the Statement of Licensing Policy 2010.

4 Alternative Options

- 4.1 The alternative proposal would be to re-adopt the existing Statement of Licensing Policy, though it should be noted that the reference material used in the existing may now be out of date and the document will not be presented may not comply with the corporate style guide.

5 Consultation Undertaken or Proposed

- 5.1 Consultation was carried out with interested parties for a formal period from 9 December 2009 to 18 January 2010; satisfying the requirements under Section 5 of the Licensing Act 2003. The period of consultation was 6 weeks, which is short of the period recommended by the Cabinet Office's code of practice.
- 5.2 All representations received from 9 December 2009 to 5 January 2010, on the revised Statement of Licensing Policy, have been summarised in Appendix II. Additional responses between 6 January and 18 January 2010 will be provided as additional information. The Licensing Committee have the opportunity to consider those representations and consider whether it wishes to make any recommendations to full Council. Full Council will then be asked to consider and adopt the Revised Policy in light of any recommendations made by the Licensing Committee.
- 5.3 The **Key Statistics during Consultation** were (based on information received by 5 January 2010):
- 4.6% Response from Consultee's (131 completed Questionnaires)
 - 12 Consultee's made representation (Attached as Appendix II)
 - 25 Residents contacted Licensing to enquire about the consultation.
 - Only one consultee stated that the policy did not achieve the Licensing Objectives, but gave no reasons for this.
- 5.4 We have received **131** responses (to date) which have been very favourable toward the revised draft Policy.

6 Implications

Issue	Implications
Corporate Plan	The Statement of Licensing Policy is closely connected to the Corporate Plan Refresh 2009. The consultation has identified what our customers think of our service performance and their views on the way in which applications, under the Licensing Act 2003, will be dealt with.
Financial, Resource and Property	There will be a cost from Graphic's to produce the final Statement of Licensing Policy, we are currently awaiting this information, but hope to bring this to your attention at Licensing Committee..
Legal and Statutory	The Licensing Authority should formally review its adopted Statement of Licensing Policy every 3 years. As there are no records of the previous report being taken to full Council, it is important to avoid delay as this review is now overdue.
Crime and Disorder	None – apart from those mentioned in the report and policy.
Risk Management and Health and Safety	None.
Equality and Diversity	The consultation process included an Equalities Questionnaire to ensure fair and balanced needs of all members of the community and users of the Licensing Service. The results of this Equalities Questionnaire will be used to produce the Equalities Impact Assessment.
Sustainability	None.

7 Appendices

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

- Appendix I: Final 'Draft' Statement of Licensing Policy
- Appendix II: Representations/ Comments

8 Background Papers

8.1 This following documents are relevant to this report

- Existing Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003: DCMS June 2007.