

Council	
Meeting Date	31 st March 2021
Report Title	Review of the Statement of Licensing Policy under the Licensing Act 2003
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Community
SMT Lead	Nick Vickers, Chief Financial Officer
Head of Service	Della Fackrell, Resilience & Licensing Manager
Lead Officer	Christina Hills, Licensing Officer
Key Decision	No
Classification	Open
Recommendations	1. Council is asked, following a recent consultation and consideration by the Licensing Act 2003 Committee, to adopt the Statement of Licensing Policy under the Licensing Act 2003 as attached as Appendix I in order that it can be published and come into effect from 1 st April 2021.

1 Purpose of Report and Executive Summary

- 1.1 To apprise Members of the steps taken in reviewing the Statement of Licensing Policy under the Licensing Act 2003.
- 1.2 Council is requested to approve the revised Swale Statement of Licensing Policy under the Licensing Act 2003 attached as **Appendix I**.

2 Background

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy every five years. The current Statement of Licensing Policy was approved by Full Council on 16 December 2015. It consequently expired on 16 December 2020.
- 2.2 A new policy has to be adopted for the period 1st April 2021 to 31st March 2026, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.
- 2.3 A review of the existing policy was undertaken, and a draft policy was presented to the Licensing Act 2003 Committee on 21st January 2021 for approval to be put out to public consultation.

2.4 Following the public consultation, the final draft policy was then presented to the Licensing Act 2003 Committee on 11th March 2021 where it was endorsed by Members. It is now requested that Council formally adopt the Statement of Licensing Policy as required under the provisions of the Licensing Act 2003.

3 Proposals

3.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix I** based on a review of our existing policy statement and taking into account the Statutory Guidance issued under Section 182 of the 2003 Act.

3.2 The changes made to the Statement of Licensing Policy were of a minor or administrative nature to reflect changes of wording in the statutory guidance or for the sake of greater clarity/accuracy.

4 Alternative Options

4.1 The Licensing Act 2003 requires that a local authority must have an adopted policy before discharging its functions under the Act. The 2003 Act also specifies that consultation must be undertaken before the Statement of Licensing policy is adopted and published.

5 Consultation Undertaken or Proposed

5.1 The 2003 Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 25th January 2021 and ran for four weeks until 19th February 2021.

5.2 Consultees and consultation mechanisms were as outlined to the Licensing Act 2003 Committee.

5.3 Despite the wide-ranging consultation no responses were received. This may be because of the minor nature of the changes and that no consultee had anything they wished to comment on or to propose changes.

6 Implications

Issue	Implications
Corporate Plan	Having an adopted Statement of Licensing Policy under the Licensing Act 2003 satisfies the corporate objectives of: A borough to be proud of: the statement seeks to strike the right balance between promoting and encouraging live and recorded music, dancing, theatre and other forms of entertainment for the

	<p>wider cultural benefit of communities generally but not to cause a disturbance.</p> <p>A community to be proud of: by promoting the four licensing objectives in this way the authority is enriching and enhancing the community whilst maintaining its regulatory and enforcement role.</p> <p>A council to be proud of: the statement will support good decision making processes</p>
Financial, Resource and Property	The Statement of Licensing Policy under the Licensing Act 2003 will not place any new financial resource implications on the Council
Legal and Statutory	Section 5 of the Licensing Act 2003 (as amended) requires a licensing authority to prepare and publish a statement of its policy every five years. During the five-year period, the policy must be kept under review
Crime and Disorder	<p>Fulfilling powers and duties under the Licensing Act 2003 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Licensing Act 2003 are:</p> <ul style="list-style-type: none"> a) The prevention of crime and disorder; b) The protection of public safety; c) The prevention of public nuisance; and d) The protection of children from harm
Environmental Sustainability	No implications
Health and Wellbeing	No implications
Risk Management and Health and Safety	The publication of a Statement of Licensing Policy under the Licensing Act 2003 is a statutory requirement and failure to do so by the expiration of the current policy as required may lead to negative publicity and criticism from central government. Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent
Equality and Diversity	The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. There are no implications within the policy that would discriminate against individuals or persons of different groups

Privacy and Data Protection	Normal data protection and privacy rules will apply. Under the 2003 Act the Council is obliged to provide certain information and to keep a public register.
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7 Appendices

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

- Appendix I: Draft Statement of Licensing Policy 2021 - 2026

8 Background Papers

None